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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No.  
17-md-2804  
  
Judge Dan Aaron  
Polster

This document relates to:

The County of Cuyahoga, et al. v. Purdue Pharma  
L.P., et al., Case No. 1:17-OP-45004 (N.D.  
Ohio)

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Videotaped Deposition of
DEBORAH FORKAS

January 23, 2019
10:03 a.m.

Taken at:

Napoli Shkolnik PLLC
55 Public Square, Suite 2100
Cleveland, Ohio 44113

Stephen J. DeBacco, RPR

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1 THE VIDEOGRAPHER: We are now on
2 the record.

3 The date is January 23, 2019. The
4 time is 10:03.

5 The caption of this case is In Re:
6 National Prescription Opiate Litigation.

7 The name of the witness is Deborah
8 Forkas.

9 At this time, the attorneys present
10 and those attending remotely will identify
11 themselves and the parties they represent.

12 MR. McMONAGLE: Matt McMonagle on
13 behalf of Plaintiff.

14 MS. DEYNEKA: Natalie Deyneka on
15 behalf of Stark County.

16 MR. ALEXANDER: Eric Alexander from
17 Reed Smith for AmerisourceBergen Drug
18 Corporation.

19 MS. DEFRANCESCO: Lindsay
20 DeFrancesco from Reed Smith on behalf of
21 AmerisourceBergen Drug Corporation.

22 MS. FARMER: Jessica Farmer from
23 Holland & Knight on behalf of Insys
24 Therapeutics, Inc.

25 MR. LOVRIEN: Chris Lovrien, Jones

1 Day, on behalf of Walmart.

2 THE VIDEOGRAPHER: Those on the
3 phone?

4 MS. LEIBOW: Nicole Leibow from
5 Arnold & Porter on behalf of Defendants Endo
6 and Par.

7 MR. TRAN: Delbert Tran from
8 Covington & Burling on behalf of Defendant
9 McKesson.

10 THE VIDEOGRAPHER: Will the court
11 reporter please swear in the witness.

12 DEBORAH FORKAS, of lawful age, called for
13 examination as provided by the Federal Rules of
14 Civil Procedure, being by me first duly sworn,
15 as hereinafter certified, deposed and said as
16 follows:

17 EXAMINATION OF DEBORAH FORKAS

18 BY MR. ALEXANDER:

19 Q. State your full name for the
20 record, please.

21 A. My name is Deborah Forkas.

22 Q. And who is your current employer,
23 ma'am?

24 A. My current employer is Stark County
25 Commissioners.

1 Q. In what capacity are you employed?

2 A. I'm the executive director of Job
3 and Family Services.

4 Q. Have you ever been deposed before?

5 A. No, I don't -- I don't believe so.

6 Q. Let me just go over some -- some
7 ground rules, because you are quick to answer,
8 and I want to make sure that doesn't get to be
9 a problem with the record.

10 The court reporter to my right and
11 your left is typing down everything everybody
12 says. That will be the official record, even
13 though we're also being videotaped. Because of
14 that, we need to make sure that your answers
15 are representative of what you know, think, and
16 can remember, with real words, not just
17 gestures, and that we take pains to not speak
18 over one another, either my questions with your
19 answers or me beginning my next question before
20 you finish your answer or if anybody else in
21 the room talks at the same time, we try to make
22 sure the court reporter doesn't have to try to
23 interpret it and type down two people talking
24 at the same time.

25 Does that makes sense?

1 A. Makes sense.

2 Q. If you don't understand my
3 questions, let me know. I'll see about fixing
4 them.

5 If you need to take breaks, let us
6 know; we'll take a break.

7 Does that make sense?

8 A. Yes.

9 Q. Okay. There may be other kind of
10 rules or instructions that come up as we go,
11 but I wanted to make sure that was clear before
12 we kind of get going too much.

13 A. Thank you.

14 Q. When was the last time you were
15 employed by Cuyahoga County in any capacity?

16 A. From 2009 to 2011.

17 Q. And what was your position at that
18 last time?

19 A. I was the director of the agency.

20 Q. Have you had any kind of
21 contractual relationship as a consultant or
22 anything else with Cuyahoga County since 2011?

23 A. No.

24 Q. Have you ever been employed by the
25 City of Cleveland?

1 A. No.

2 Q. Have you ever been employed by
3 Summit County?

4 A. Yes.

5 Q. In what capacity?

6 A. I was the assistant director in
7 2000- and -- I'm sorry. I was the assistant
8 director.

9 Q. Okay. And what years?

10 A. Let's see. 2005 to 2009.

11 Q. And when you've said director or
12 assistant director, do you mean of Children and
13 Family Services?

14 A. Of Children and Family Services.

15 Q. Okay. And is that true for your
16 current position, as well, in Stark County?

17 A. Yes.

18 Q. All right. Have you ever been
19 employed by the City of Akron in any capacity?

20 A. No.

21 Q. I understand there are two lawyers
22 present who do not represent Defendants in this
23 case. One is with your employer, Stark County.

24 Are you represented by her --

25 A. Yes.

1 Q. -- in connection with the
2 deposition? Okay.

3 There's also somebody here who said
4 he's on behalf of Plaintiffs. I -- I don't
5 know which particular Plaintiffs he might mean,
6 but are you represented by that individual as
7 well?

8 A. Yes, I believe so.

9 Q. Have you reached out to somebody on
10 behalf of one or more of the Plaintiffs in this
11 litigation to ask for representation?

12 A. No.

13 Q. Have you paid money or agreed to
14 pay money for representation?

15 A. No.

16 Q. Have you had what you believe to be
17 private conversations with a lawyer other than
18 for Stark County about this deposition?

19 A. No.

20 Q. Okay. So do you know what it means
21 to be represented by a lawyer?

22 A. I believe so.

23 Q. Okay. And I'm not going to pry
24 into details of your personal life, but have
25 you ever, like, retained a lawyer for any

1 purpose? You know, it could be, like, a real
2 estate thing, a personal dispute, contracts,
3 anything like that? Have you ever retained a
4 lawyer?

5 A. Yes.

6 Q. Okay. So in connection with this
7 deposition or this case, have you retained a
8 lawyer?

9 A. No.

10 Q. Okay. So have you had any meetings
11 with anybody on behalf of the Plaintiffs in
12 this case?

13 A. No.

14 Q. Did you get any documents from
15 anybody to review in preparation for the
16 deposition?

17 A. Yes.

18 Q. Okay. Who'd you get those from?

19 A. Mr. Gallucci.

20 Q. Okay. And is Mr. Gallucci present?

21 A. No.

22 Q. Okay. And he didn't represent you
23 either, correct?

24 A. No.

25 Q. No, he did not represent you? I

1 ended with the word "correct."

2 A. I'm -- I'm not sure. I'm not sure
3 I understand. Can you clarify what you're
4 asking me?

5 Q. Mr. Gallucci --

6 A. Yes.

7 Q. -- did he represent you personally
8 in connection with this deposition or this
9 litigation?

10 A. No.

11 Q. Okay. When did you get materials
12 from Mr. Gallucci?

13 A. Can I ask a clarifying question?

14 Q. Sure.

15 A. When you say when did I get, do you
16 mean he physically handed me --

17 Q. Yeah, when did you receive any
18 documents or materials from Mr. Gallucci?

19 A. I didn't receive any documents or
20 materials. He reviewed some things with me.

21 Q. Ah. So when did you meet with
22 Mr. Gallucci?

23 A. I met with him this morning. I met
24 with him on -- I had a phone call with him a
25 couple of days ago, and I met with him when I

1 first met him a couple of weeks ago.

2 Q. Okay. So three meetings: once by
3 phone and twice in person; is that correct?

4 A. That's correct.

5 Q. Have you had meetings with anybody
6 else -- and I'm not going to ask you about the
7 details of a meeting that you had where just a
8 lawyer for Stark County was present, because
9 that would be your lawyer. Does that make
10 sense?

11 A. Yes.

12 Q. Okay. So with that in mind, have
13 you had any other meetings or conversations
14 before the deposition got started about the
15 deposition or the litigation?

16 A. Yes.

17 Q. With -- with who, other than
18 Mr. Gallucci? Or with whom, I guess.

19 A. With Matt.

20 Q. And who is --

21 A. And with Natalie.

22 Q. So Natalie is the lawyer for your
23 current employer, Stark County --

24 A. Yes.

25 Q. -- and she's your lawyer, correct?

1 A. Yes.

2 Q. And Matt is not your lawyer; we
3 went over that, correct?

4 A. That's true.

5 Q. Okay. When did you meet with Matt?

6 A. Just this morning.

7 Q. Okay. Did you see any new
8 documents that you hadn't seen with
9 Mr. Gallucci?

10 A. No.

11 Q. Do you recall what documents you
12 were shown at any of these meetings?

13 A. Appeared to be e-mails.

14 Q. Were they e-mails that you were on
15 or e-mails you were not on?

16 A. I'm not 100 percent sure.

17 Q. Were they documents you had ever
18 seen before?

19 A. No.

20 Q. Do you have copies of those
21 documents?

22 A. No.

23 Q. Did they refresh you about any
24 information or give you any new information
25 compared to what you already had in your head?

1 A. I don't really know.

2 Q. Do you recall anything about the
3 discussions that you had this morning with Matt
4 or Mr. Gallucci?

5 MR. McMONAGLE: And I am just going
6 to place an objection there based on privilege.

7 MR. ALEXANDER: There's -- Counsel,
8 there's no privilege. You know that. That's
9 been established. And I will -- just to cut to
10 the chase, you should give us the documents
11 that she was shown, because clearly you don't
12 have any work product or protection on them.

13 MR. McMONAGLE: I don't have any
14 documents.

15 MR. ALEXANDER: The lawyer sitting
16 to your right has a binder that says "Napoli
17 Shkolnik, Forkas deposition prep." I assume
18 that's the documents that she was shown, and we
19 would be entitled to get a copy of that.

20 MR. McMONAGLE: I don't know about
21 that.

22 MR. ALEXANDER: You have a
23 third-party witness you're -- you've met with
24 or you or your colleagues have met with on
25 three occasions. You've shown her documents to

1 try to, I guess, do something.

2 MS. DEYNEKA: Counsel --

3 MR. McMONAGLE: I -- I personally
4 don't know what documents she's been shown.

5 MS. DEYNEKA: -- it is my
6 understanding that there were no documents
7 shown from the binder that I have.

8 MR. ALEXANDER: Okay.

9 MS. DEYNEKA: And I'll add that I
10 understand that there were no documents to be
11 shown in general.

12 MR. ALEXANDER: Okay. So the
13 witness has testified that she was shown
14 documents. Does nobody in this room on behalf
15 of either Stark County or some -- one or more
16 the Plaintiffs have the documents that were
17 shown to this witness?

18 MS. DEYNEKA: No, and I'll go ahead
19 and repeat what I said previously, which is my
20 understanding is there were no documents shown.

21 MR. ALEXANDER: So the witness has
22 already testified under oath to the contrary,
23 so I'm just trying to get to the bottom of
24 that. Maybe I -- let me ask a couple of
25 clarifying questions before we get too bogged

1 down with all of this.

2 I didn't get your name. Who do you
3 represent?

4 MR. McMONAGLE: Matt McMonagle on
5 behalf of Cuyahoga County. And then I'm here
6 on behalf of the Napoli firm.

7 MR. ALEXANDER: Okay. But not with
8 the Napoli firm?

9 MR. McMONAGLE: I don't work for
10 the Napoli firm directly, but on this case I'm
11 working for them.

12 MR. ALEXANDER: Got it.

13 Was your meeting this morning with
14 the witness with Mr. Gallucci present? Because
15 she said Gallucci is who showed her reco- --
16 documents.

17 MR. McMONAGLE: That's what she
18 said.

19 MR. ALEXANDER: Okay.

20 BY MR. ALEXANDER:

21 Q. About how many documents were you
22 shown this morning? Before the deposition
23 got -- got started.

24 A. Can I clarify something, please?

25 Q. Yes.

1 A. So you referred -- I guess there's
2 a matter of -- difference being referred to
3 something -- referring to something as opposed
4 to physically showing me something. I didn't
5 physically see the documents. He had them. He
6 was going through them, and he was referring to
7 them.

8 Q. Ah.

9 A. So can I make a clarifica-

10 Q. Sure.

11 A. Thank you for letting me make a
12 clarification.

13 Q. What about in connection with your
14 prior in-person meeting with Mr. Gallucci? Did
15 you actually see any documents with your own
16 eyes?

17 A. No.

18 Q. Okay. Were -- were there any other
19 documents where the content of them was
20 revealed to you by Mr. Gallucci or somebody
21 else at that meeting reading them or
22 characterizing them?

23 A. I'm not sure.

24 Q. Did you understand the question?

25 A. I believe I do.

1 Q. So -- like, so, this morning, as
2 you've related, Mr. Gallucci had documents in
3 front of him and read or characterized
4 something about the documents to you instead of
5 letting you look at them yourself.

6 Is that right so far?

7 A. That's true.

8 Q. And do you remember anything he
9 said about the content of those documents?

10 A. It was pretty vague. Not really.

11 Q. Okay. So on your phone call that
12 you had, in between the two in-person meetings
13 with Mr. Gallucci, did he tell you about the
14 content of any documents?

15 A. In between, are you asking me?

16 Q. Yeah. You said there was a
17 telephone call too --

18 A. Yeah.

19 Q. -- with Mr. Gallucci.

20 A. Yeah.

21 Q. Did that involve him telling you
22 about the content of any documents?

23 A. No, not the content.

24 Q. Let me ask in general, and we can
25 go one by one with the meetings or take them

1 together. Do you remember anything that any
2 representative of the Plaintiffs in this
3 litigation told you about the allegations in
4 the litigation, or any facts at issue in the
5 litigation, anything at all about those
6 meetings?

7 A. Let me just think back. I'm sorry.
8 I just need a minute.

9 He -- he did talk a little -- a
10 little historically about some things related
11 to this. I mean, it was very vague, though.

12 Q. Did any of it relate to opioids or
13 opiates?

14 A. I believe so, yes.

15 Q. Do you recall any representations
16 he made to you about the facts or the
17 allegations?

18 A. Not -- not particularly, no.

19 Q. Did he tell you anything you didn't
20 know?

21 A. Yes, he told me some things that I
22 didn't know. Just, I -- I wasn't -- well, yes.
23 Just say that.

24 Q. Like what?

25 A. I didn't know the extent of what

1 the lawsuit -- I didn't know the extent of the
2 lawsuit. Some of that very vague information.
3 I was not, you know, privy to some of that.

4 Q. What do you mean by the extent of
5 the lawsuit, information that you weren't privy
6 to before the conversation?

7 A. Well, I didn't -- there were a lot
8 of things that I -- I was not up -- up to speed
9 on. Not a lot of things, but I didn't know
10 things that, you know, how long that there was
11 a lawsuit. I knew there was a lawsuit, but I
12 didn't know any details. He didn't give me
13 many details, but he was just -- he was vague
14 about things.

15 Q. Did Mr. Gallucci or anybody else on
16 behalf of the Plaintiffs give you any
17 information about what the Plaintiffs were
18 claiming that any of the Defendants did wrong
19 in this case or what any of their damages were?

20 A. No, no.

21 Q. Did he tell you anything about what
22 the underlying facts were as it relates to
23 anything about substance abuse in Cuyahoga
24 County?

25 A. No. No, mostly questions for me.

1 They were more questions.

2 Q. Do you remember any of the
3 questions that Mr. Gallucci asked you?

4 A. He --

5 THE WITNESS: It's okay to answer?

6 MR. McMONAGLE: I mean, I'll still
7 place an objection to it, but go ahead and
8 answer --

9 THE WITNESS: Okay.

10 MR. McMONAGLE: -- if you remember.

11 A. Well, some of the things, just one
12 of the things that I recall was he asked me
13 about, you know, my time in -- in Cuyahoga.

14 Q. Okay. So --

15 A. Those kinds of things related to --
16 sorry I interrupted you.

17 Q. No, no. I interrupted you.
18 Continue, please.

19 A. I'm done.

20 Q. What was just pointed out here is
21 actually one of the basic rules of deposition
22 is that in general, you're not supposed to
23 confer while a question is pending, but you can
24 confer if it relates to whether you're allowed
25 to answer a question because of an applicable

1 privilege. Does that make sense?

2 A. Yes.

3 Q. And so --

4 A. Thank you.

5 Q. -- only the counsel here on behalf
6 of Stark County can instruct you not to answer,
7 because that's somebody with whom you have a
8 privilege relationship.

9 A. Okay.

10 Q. Otherwise the lawyers for the
11 Plaintiffs can't tell you whether to answer a
12 question or not, because they don't represent
13 you and you don't have any privilege with them,
14 and only privilege is a basis for not answering
15 a question, according to the rules of the Court
16 in this case.

17 A. I understand.

18 Q. Does that make sense?

19 A. I understand.

20 Q. And -- and I'm trying to be very
21 fair with you to make sure --

22 A. I appreciate it.

23 Q. -- this is not an uncomfortable
24 process.

25 A. Thank you. I appreciate it.

1 Q. So what do you recall relaying to
2 Mr. Gallucci or any of the Plaintiffs' counsel
3 before the deposition got started about your
4 recollection of your time as director of
5 Cuyahoga County Division of Children and Family
6 Services?

7 A. Well, the primary thing that I
8 recall saying is, is that my memory isn't as
9 great. It's been almost a decade since I was
10 in Cuyahoga, and I don't have a lot of -- very
11 little -- it's mostly non- -- non-specific
12 information. And those were the kind of things
13 that, you know, I told him.

14 Q. Okay. Do you recall any of what
15 you said?

16 A. I just told you that.

17 Q. Do you recall the specifics of what
18 you said about what you recalled?

19 A. Oh, about when I was in Cuyahoga?

20 Q. Yes, ma'am.

21 A. I just told him that, you know, it
22 was, A, a long time ago; B, memory is not what
23 it used to be. You know, I was trying to --
24 we -- I didn't recall things about cases. If
25 you were going to ask me specific things about

1 cases, I -- I don't have recollection that
2 I'm -- that I'm aware of at this -- at this
3 point. Things like that.

4 Q. Okay. We'll go through the
5 detail of -- in detail of what you recall, and
6 try to do it chronologically. That might help.

7 A. That's fine.

8 Q. So let me just make sure I
9 understand a couple of basics.

10 Do you currently reside in Cuyahoga
11 County?

12 A. I do.

13 Q. Okay. Do you intend to relay, as
14 part of any testimony you give here or at
15 trial, any personal experience you've had,
16 outside of a government position you may have
17 held, relating to opioids or opiates or any
18 other drug abuse in connection with the impacts
19 on the community or specifically Children and
20 Family Services?

21 A. I could.

22 Q. Okay. And for Summit County, for
23 the period of time from 2005 to 2009 when you
24 were an assistant director, have you been asked
25 by anybody in this litigation to give them your

1 recollection of what was going on back then?

2 A. No.

3 Q. Have you been asked to testify at
4 trial on behalf of either Summit County or
5 Cuyahoga County?

6 A. No.

7 Q. Have you been contacted by anybody
8 from Summit County in connection with this
9 deposition?

10 A. No.

11 Q. Including outside lawyers?

12 A. No.

13 Q. And -- and I'm not trying to
14 violate any privilege that you may have with
15 Stark County.

16 Have -- are you participating at
17 all in anything relating to litigation that
18 Stark County may be pursuing relating to
19 anything about opioids or opiates?

20 A. Could you repeat the question,
21 please?

22 Q. Sure. So when you left Cuyahoga
23 County in 2011, was that a voluntary departure?

24 A. Yes. Yes and no.

25 Q. What do you mean by that?

1 A. Well, do you want me to explain?

2 Q. Yes.

3 A. Okay. When I left, new county
4 government had come in and I lost my job, so I
5 was terminated, but knew that it was coming.
6 Everybody was terminated.

7 Q. And your successor was Patricia
8 Rideout?

9 A. Yes.

10 Q. Did you help her with the
11 transition?

12 A. Yes.

13 Q. Is she somebody you've known
14 professionally over the years?

15 A. I've known her forever.

16 Q. Including when she was at the Annie
17 E. Casey Foundation?

18 A. Absolutely.

19 Q. All right. So at that time in
20 2011, what was your next position after leaving
21 Cuyahoga County?

22 A. When I left Cuyahoga County, I went
23 to Fairfax, Virginia, and I was the
24 child-welfare director there for three years.

25 Q. And are you involved at all in any

1 litigation that Fairfax County in Virginia may
2 be pursuing relating to opioids or opiates?

3 A. No.

4 Q. And then, after Fairfax, Virginia,
5 did you come back to Ohio?

6 A. Yes.

7 Q. What year was that?

8 A. 2014.

9 Q. And what was your position at that
10 time?

11 A. I returned -- I came back to Stark
12 County and -- I went to Stark County, not came
13 back. Went to Stark County. And I'm the
14 director of Jobs and Family Services, which is
15 a triple-combined agency.

16 Q. And have you had that position
17 continuously since 2014?

18 A. Yes, I'm still -- I'm presently
19 still employed there.

20 Q. Okay. But it's been the same
21 position as director?

22 A. Same.

23 Q. And for Stark County, does that
24 encompass what was essentially the same sort of
25 function as Children and Family Services that

1 you had in Cuyahoga County?

2 A. That's one of the functions.

3 Q. All right. Are you involved for
4 Stark County at all with any litigation that
5 Stark County may be pursuing relating to
6 opioids or opiates?

7 A. Not -- not -- no, not right now.

8 Q. And I've used the term "opioids"
9 and "opiates." Do you know what either of
10 those terms mean?

11 A. Well, I know, for example, when
12 you're referring to opioids, it could be drugs
13 like Vicodin. It could be drugs like heroin.
14 It could be a whole laundry list of OxyContin,
15 those types of drugs.

16 Q. Meaning prescription drugs --

17 A. Prescription --

18 Q. -- as well as street drugs?

19 A. Or -- or fentanyl. Or fentanyl,
20 which is --

21 Q. So when you -- when you use the
22 term "opioids," as you understand it, you would
23 be including both prescriptions drugs and drugs
24 that somebody may take -- may obtain illegally,
25 either a prescription drug that they don't have

1 a prescription for or a completely illegal drug
2 that is obtained through overly -- you know,
3 illegal routes?

4 A. Yes.

5 Q. Okay. And what about the term
6 "opiate"? How do you understand that?

7 A. I don't know that I under- --
8 understand that.

9 Q. Okay. Do you use the term "opioid"
10 to cover all of these --

11 A. Yes.

12 Q. Okay. And do you count cocaine,
13 PCP, marijuana, methamphetamine, do you count
14 those as opioids or not?

15 A. Yes.

16 Q. And do you know if this is the same
17 sort of definition that you were using when you
18 had the position with Cuyahoga County from 2009
19 to 2011 as director of the Division of Children
20 and Family Services?

21 A. I'm not sure.

22 Q. Okay. So this may be hard to do,
23 but before you had the conversations with the
24 Plaintiffs' lawyers, as just a resident of
25 Cuyahoga County, did you have an understanding

1 of what the basic allegations were in this
2 litigation against the various Defendants who
3 are being sued?

4 A. Before?

5 Q. Yes, before.

6 A. No, I did not.

7 Q. And so, now, based upon the
8 conversations that you had on these three
9 occasions with the Plaintiffs' lawyers for
10 Cuyahoga County, do you have an understanding
11 of what -- what they're suing over, what their
12 allegations are?

13 MR. McMONAGLE: I'm going to note
14 our objection again.

15 A. Not really.

16 Q. Do you know what any -- so let me
17 break it up. Do you know who's being sued,
18 either by name or description?

19 A. I -- I think drug companies and
20 manufacturers and the people that --
21 distributors.

22 Q. Okay.

23 A. I believe I know that. But --

24 Q. Do you know if any doctors or
25 health care providers or health care entities

1 are being sued?

2 A. I don't know that.

3 Q. What about any pharmacies, either
4 like a local pharmacy or a chain of pharmacies
5 that might dispense drugs? Do you know if
6 they're being sued?

7 A. I don't know that either.

8 Q. So what about anybody involved in,
9 like, the illegal drug trade, either diverting
10 ethical prescription drugs or bringing in or
11 creating illegal drugs like methamphetamine or
12 heroin? Do you know if they're being sued?

13 A. I don't know that.

14 Q. Okay. In terms of the -- we'll
15 break it up. So there are manufacturers of
16 prescription pharmaceuticals that have been
17 sued in this case and in this litigation. Do
18 you know the names of any of the ones who have
19 been sued?

20 A. No.

21 Q. That wasn't provided by --

22 A. No.

23 Q. -- the Plaintiffs' counsel?

24 A. No, that was not.

25 Q. And just, if you can, if you could

1 just wait until I'm done with my question --

2 A. I'm sorry.

3 Q. -- before giving your answer.

4 You're doing a pretty good job, but --

5 A. Not good enough.

6 Q. -- I just -- just like that, yeah.

7 So we're not in a huge rush. I
8 really don't think it will take terribly long,
9 so a little extra pause just makes for a
10 cleaner record, and I want to make sure that
11 the record, at the end of the day, is accurate
12 in terms of what you actually know and think
13 and doesn't get confused by the dynamic of this
14 artificial process.

15 Does that make sense?

16 A. Yes.

17 Q. So the manufacturers of
18 prescription pharmaceuticals that have been
19 sued, do you know what any of them are supposed
20 to have done wrong?

21 A. I'm not sure.

22 Q. Did the Plaintiffs' lawyers tell
23 you anything about they were supposed to have
24 done -- you know, the manufacturers were
25 supposed to have made too many drugs, marketed

1 them a certain way, sold them a certain way,
2 anything at all about what they're supposed to
3 have done?

4 A. The only thing that I know is that
5 the drugs were very addictive.

6 Q. Do you know anything about the
7 labeling for any of the prescription drugs at
8 issue, in terms of what they said about the
9 potential for addiction, what any officially --
10 official, approved materials from FDA said
11 about any of that?

12 A. No.

13 Q. Do you know what any branch of the
14 government, like CDC or any other part of the
15 federal government that's involved in the
16 providing information about drugs or treatment
17 of health conditions like pain, has ever said
18 about the potential for addiction with
19 prescription opioid medications?

20 A. Not specifically that.

21 Q. Okay. What do you think you know?

22 A. Well, I know that -- well, I don't
23 know this. I can't say I know this. I think
24 this. Is that there was -- let me think about
25 what I want to say. I want to be clear. That

1 there were times when the focus was on pain
2 management, and that with that focus came, you
3 know, addition- -- more or specific drugs and
4 specific prescriptions to -- to manage the --
5 the pain that people were in.

6 Q. Is -- is that information you had
7 from your own experience, from work in
8 government, or from something the Plaintiffs
9 told you?

10 A. All -- all the above.

11 Q. Okay. What did the Plaintiffs tell
12 you about that?

13 A. That -- just what I said, that
14 there was a time where it was -- the focus was
15 on pain management.

16 Q. Do you know if any of the
17 allegations about what any of the prescription
18 drug manufacturers did are true or not true?

19 A. No.

20 Q. Do you have any personal knowledge
21 from interaction with any manufacturers of
22 prescription drugs that have been sued in this
23 case that would relate on any of these issues?

24 A. No.

25 Q. So there're also, as you'd

1 identified, distributors who have been sued.

2 Do you know the names of any of those
3 companies?

4 A. No.

5 Q. Do you know what any of the
6 allegations are about what they did or didn't
7 do?

8 A. No.

9 Q. Do you know if any of those
10 allegations are correct?

11 A. No.

12 Q. Have you ever had any personal
13 interaction with any of the drug distributors,
14 whether it be Cardinal or McKesson or
15 AmerisourceBergen or anybody else?

16 A. No.

17 Q. Do you have any knowledge from your
18 work, either with Summit County or Cuyahoga
19 County, that bears on that at all?

20 A. No.

21 Q. So there're also retail pharmacies
22 that have been sued. So setting aside your
23 personal knowledge of anything relating to --
24 to pharmacies for now, do you know anything
25 about what the allegations are about what those

1 Defendants in this litigation are supposed to
2 have done or didn't do?

3 A. No.

4 Q. And do you know if any of those
5 allegations are correct or incorrect?

6 A. I don't know that.

7 Q. From your personal knowledge, based
8 upon your work experience or anything else, do
9 you have any knowledge relating to the
10 treatment of any of these Defendants as it
11 relates to prescription opioid drugs or
12 diversion or any of the issues in this case?

13 A. No. Ask for class- -- clarifying,
14 are you referring to clients or are you just
15 referring to -- who are you referring to?

16 Q. Well, I'm talking about the
17 Defendants.

18 A. No.

19 Q. The companies that have been sued.

20 A. No.

21 Q. Okay. And so we'll get -- get to
22 the clients part of it.

23 A. Okay.

24 Q. When you use the term "clients,"
25 that's anybody who is essentially a participant

1 in a public welfare function relating to
2 Children and Family Services? Is that how you
3 use the term?

4 A. Yes.

5 Q. And from the way it was when you
6 were at Summit County from '05 to '09, were
7 there files maintained on each, essentially,
8 case that had clients?

9 A. Yes.

10 Q. Was your understanding that those
11 files get maintained essentially in perpetuity,
12 forever, according to the state law that you
13 were aware of?

14 A. Yes.

15 Q. Same deal at Cuyahoga County?

16 A. Same deal.

17 Q. Okay. So there's a case file on
18 every case, so, like, let's say -- well, let me
19 break it up.

20 Children and Family Services for
21 Summit County and Cuyahoga County, in terms of
22 those total of six years where you were either
23 the assistant director or director, what were
24 the -- the basic functions of Children and
25 Family Services divisions that those counties

1 had?

2 A. That you want me to tell you the
3 basic function? All right.

4 Q. The basic function.

5 A. Well, protect children, to keep
6 children safe, to work with parents on their
7 case plans, to follow all the rules and
8 regulations of the State; that's our oversight
9 body. To make sure that there are -- the
10 appropriate services that are offered and -- to
11 our -- the parents or the clients, whoever they
12 may be. Children, making sure that children
13 are safe.

14 Q. Did -- we can break it up if need
15 be, but did either of those counties, in terms
16 of the way the divisions were organized, have
17 the responsibility for child support within
18 Children and Family Services, or was that
19 separate?

20 A. That was separate. Right now,
21 though, I might just add, I -- child support is
22 part of my duty.

23 Q. At Stark?

24 A. At Stark.

25 Q. And we're -- we're working --

1 A. I know you're not interested in
2 Stark, but --

3 Q. I wouldn't say that, but we're --
4 we're setting aside Stark, because at some
5 point we're going to need to make sure whether
6 if you were called to testify about anything
7 relating to what happened in Summit or Cuyahoga
8 County at any point in time, you're not going
9 to basically talk about something from Stark,
10 which -- so I'm trying to focus in my questions
11 on the point in time when you held the
12 positions at either Summit County or Cuyahoga
13 County.

14 Does that make sense?

15 A. Yes.

16 Q. Okay. So you said that for those
17 counties, the way that they had Children and
18 Family Services organized, that child support
19 was separate, correct?

20 A. Correct.

21 Q. And what about, like, adoption,
22 foster care placement, kinship placement, those
23 sorts of things? Was that part of it or
24 separate?

25 A. Part of what?

1 Q. Part of Children and Family
2 Services?

3 A. Yes, part of. Of course.

4 Q. Okay. So there's a part where
5 essentially you get an intake call or a report
6 through a hotline or through a school or
7 whatever of a question of child abuse or some
8 situation that puts a child at risk, and a case
9 may be opened if the criteria are established?

10 A. That is true.

11 Q. Okay. So there's, like, an intake
12 process, deciding whether to do an
13 investigation and open a case?

14 A. Yes.

15 Q. Okay. And at that point, a file
16 is -- if -- if a case is opened, there's a file
17 that's maintained, and that that file has a
18 specific kind of unique identifying number and
19 is maintained as a separate record; is that the
20 way it worked?

21 A. That's the way it worked.

22 Q. For both counties?

23 A. Yes.

24 Q. And ultimately there may be data
25 from those or some parts of data from those

1 case files entered in a state database, like
2 the SACWIS system, once that got up and
3 running; is that right?

4 A. I believe so.

5 Q. But even if SACWIS has data in it
6 on an individual case, the case file still
7 exists within the County's control?

8 A. Yes.

9 Q. And you're sure that that's the way
10 it worked when you were there, that there was a
11 file that got maintained and it was the
12 property, essentially, of the County?

13 A. There was a file. Do want to
14 correct you, though. I don't believe that we
15 own -- if I was working in Cuyahoga or whether
16 it was -- that those files were our files. The
17 State was very clear on telling us that they
18 own the data and they own the files.

19 Q. They owned the data that was in
20 SACWIS? Is that what you mean?

21 A. Uh-huh, yes.

22 Q. Okay. But the -- the file, when
23 you get an intake call and you opened up a
24 file, you have a caseworker assigned to it
25 and -- and people start, like, writing notes

1 and creating a paper file, whose file was that?
2 The County's?

3 A. The County's file.

4 Q. Okay. The same thing for Summit
5 and for Cuyahoga?

6 A. Yes.

7 Q. Okay. I -- I just want to make
8 clear. A database for something got entered
9 that belonged to the State, and that was the
10 State's, the actual underlying case file that
11 may have had more information or just
12 additional handwritten information, whatever,
13 that's the County's file?

14 A. Uh-huh. Well, generally speaking,
15 everything -- everything should be in SACWIS.
16 Everything should be entered in -- into it.

17 Q. And so not to jump ahead too much,
18 but you know that there have been questions
19 raised at different points in time about the
20 adequacy of how often information was being
21 entered into SACWIS, whether it was being
22 entered consistently, and that there were
23 efforts to try to improve the entry into SACWIS
24 over time; is that a fair characterization?

25 A. I'm not sure.

1 Q. Does that not ring a bell for you
2 that there were issues of the case files would
3 have information that didn't go into SACWIS,
4 maybe because there weren't appropriate fields
5 or pull-down options --

6 A. Yes.

7 Q. -- in SACWIS?

8 A. Yes, that's true.

9 Q. So, like -- so, like, for instance,
10 there's a -- there's an issue in all of this
11 that's called "drug of choice." In terms of
12 individual cases and the SACWIS information
13 during those periods of time when you were at
14 Summit County from '05 to '09 and with Cuyahoga
15 County from '09 to 2011, the rules and options
16 for how you enter drug of choice was not
17 terribly rigorous.

18 Is that a fair statement?

19 A. That's a fair statement.

20 Q. And did you hear later through,
21 like, PCSAO or other statewide entities that
22 there was, like, a later time period where
23 there was a data blitz and they tried to
24 improve the way that, like, drug of choice got
25 entered into the database for SACWIS?

1 A. I believe that's true.

2 Q. So let me go a little bit further
3 back before we return to where we were.

4 You've been in -- in this field,
5 Children Protective Services or Children and
6 Family Services for couple decades now?

7 A. More than that.

8 Q. When did you start?

9 A. When did I start my career?

10 Q. Yes, ma'am.

11 A. I started my career in -- well, in
12 child-welfare with -- well, this is hard to
13 explain because I did things -- multiple things
14 at the same time.

15 Q. So what --

16 A. Worked for different agencies.

17 Q. Why don't we do it this way. So
18 back at least in, like, to the '90s, a lot of
19 this was called children's welfare, and then
20 there was kind of a renaming of some of these
21 entities and re-division within the various
22 governmental entities.

23 A. I didn't work in child-welfare
24 then.

25 Q. Okay. So when did you graduate

1 from college?

2 A. I graduated in 1979.

3 Q. And where was that?

4 A. University of Toledo.

5 Q. And what was your first job after
6 graduating from college?

7 A. I worked for a personnel agency.

8 Q. And did you ultimately pursue
9 additional --

10 A. Yes.

11 Q. -- education, get another degree?

12 A. I got a master's degree in
13 educational psychology.

14 Q. From John Carroll?

15 A. From John Carroll University.

16 Q. When did you get that?

17 A. Oh, wow. I don't know. I'd have
18 to -- a long time ago.

19 Q. Was that, like, the '80s, the '90s?

20 A. It was in the '80s.

21 Q. So setting aside completely
22 unrelated jobs like working in personnel, when
23 was the first time you had a job that was in
24 the Children and Family Services or welfare or
25 Children Protective Services field?

1 A. I worked part-time for five years
2 on the hotline at Children's Services. At the
3 same time, I worked at the juvenile court as a
4 deputy director.

5 Q. What year was that that you started
6 the position?

7 A. For part-time -- it was a part-time
8 job, and then I took a job, full-time job,
9 which was -- let me see. I'm sorry. I've just
10 got to think about this.

11 Q. And I'm just -- I don't need the
12 exact year. I'm trying to get the id- -- the
13 time frame for when we say it's been more than
14 a few decades that you've been in this field,
15 when was it that it started?

16 A. I started my career in -- I just --
17 I can't think of it. I'm sorry. I'm just --
18 my mind's blank.

19 Q. So what county were you employed by
20 back then?

21 A. I was employed at Cuyahoga County.

22 Q. And the work for the hotline, was
23 that a work -- was that the sort of hotline
24 we've mentioned for intake calls about children
25 safety issues?

1 A. Yes. I worked part-time.

2 Q. But you don't know what decade that
3 was?

4 A. I'm trying to think of what decade
5 it is. I'm a little -- it was in -- 2005 -- I
6 want to say -- can we move on and could I come
7 back to that?

8 Q. Sure.

9 A. I'm sorry, I'm just --

10 Q. So the position with the courts,
11 was that also in Cuyahoga County?

12 A. That was in Cuyahoga County.

13 Q. And what did that have to do with?
14 What -- what sort of role did you have there?

15 A. I was a probation officer when I
16 started the position. I started as a probation
17 officer. Then I was a contracts manager. From
18 a contracts manager, I was a deputy director.

19 Q. Did you do anything relating to the
20 drug court?

21 A. No.

22 Q. Did you do anything relating to the
23 court proceedings that relate to, like, custody
24 or whether to take a child into protective
25 custody?

1 A. That would usually be Children
2 Services that would do that.

3 Q. Uh-huh.

4 A. We worked -- as a probation
5 officer, we worked with, you know,
6 child-welfare dir- -- child-welfare staff, but
7 we didn't take children into custody when we
8 were probation officers. We didn't --

9 Q. So after the time when you were a
10 probation officer and the positions that you
11 talked about that related to -- to that side of
12 legal proceedings, when did you transition in
13 or shift over to something relating to
14 children's welfare?

15 A. Well, that's the year I'm trying to
16 come up with, and I can't seem to come up with
17 it.

18 Q. Okay. Do you know who your
19 employer was when you first took a position in
20 children's welfare?

21 A. Oh, sure. I mean, I worked for
22 Jerry Blake. I worked for Cuyahoga County
23 Department of Children and Family Services.
24 Jerry Blake was my supervisor. Jim McCafferty,
25 I reported to, I can tell you.

1 Q. So that was all before you went
2 over to Summit County as assistant director?

3 A. All before.

4 Q. Okay. All right. So going back to
5 this time period, whether it's -- we're talking
6 about the 1990s?

7 A. That's about right.

8 Q. Okay. So even back in the 1990s,
9 was there an issue that substance abuse in the
10 community, whether it be alcohol or cocaine or
11 marijuana, or whatever substance people were
12 abusing, had an impact on the provision of
13 services for Children and Family Services?

14 A. Yes, that's true.

15 Q. I mean, the -- the issue of
16 substance abuse has been an issue that either
17 increases the number of cases or makes the
18 cases harder to manage, keeps them open longer,
19 additional resources, as long as you've been
20 involved in the field?

21 A. Yes, that's true.

22 Q. Okay. And I'm -- and I'm not
23 trying to put words in your mouth. I --

24 A. No, I agree with it.

25 Q. These are basic principles, right?

1 A. Yeah, yeah.

2 Q. And so because of that, as long as
3 you've been in the field, at least in
4 management positions, there's been an attention
5 paid to, like, trends of, what are we seeing in
6 terms of substance abuse? We're seeing a lot
7 more case of a certain type of drug or
8 substance. We're seeing a spike in terms of,
9 for instance, when the cocaine epidemic was
10 going on or the crack epidemic was going on in
11 Northeast Ohio, that that was driving the
12 burden on staff and funding for Children and
13 Family Services, correct?

14 MR. McMONAGLE: Objection to form.

15 A. Could you repeat that, please?

16 Q. Yeah. I could probably break it
17 up. That would make a little more sense.

18 Do you remember when there was a
19 cocaine or crack epidemic in Northeast Ohio?

20 A. Yes.

21 Q. And were you in Children and Family
22 Services at that time?

23 A. Yes.

24 Q. So back then, using that as just
25 kind of an example, was there attention paid by

1 management for Cuyahoga County Children and
2 Family Services, and broad -- more broadly,
3 within the health and human services
4 department, to the impact of abuse of cocaine
5 or crack on Children and Family Services?

6 A. Yes.

7 Q. And did you also pay attention,
8 through statistics that were generated or
9 gathered by the County or State, to things like
10 how prevalent the drug use was, how often it
11 was appearing in individual cases as a driver
12 of the need for the County to get involved in
13 an individual case?

14 MR. McMONAGLE: Objection. Form.

15 A. Could you repeat that again?

16 Q. Sure. I can repeat them and --

17 A. Keep re- -- I'm just trying to --

18 Q. I'll try to make it smaller bites.

19 So when you ultimately went into
20 management positions in Children's and Family
21 Services, did you get statistics presented or
22 trend data presented on a regular basis so you
23 could think about the impact on staffing or
24 budgeting needs?

25 A. Not -- not the way you're citing

1 it. Not that way.

2 Q. Did you --

3 A. There was -- there was data that
4 was available, and a lot of it was, you know,
5 based on cases. There was some aggregate
6 information, but there was not, you know, loads
7 of reports.

8 Q. All right. And did the type of
9 information that was available improve over
10 time as you got into the 2005, the assistant
11 director position with Summit County, and then
12 2009 with Cuyahoga County, was there more and
13 more sophisticated data and reporting available
14 to you that looked at, like, social factors
15 that would drive the need for Children and
16 Family Services and impact budgeting and
17 staffing?

18 A. I don't know that I saw that kind
19 of data. It's -- it can be developed. I know
20 that, you know, it can be developed as it's --
21 you're doing -- but I can't say that I saw that
22 kind of data.

23 Q. So let me ask it this way. Like,
24 when there was a drug epidemic going on, when
25 there was the cocaine epidemic or crack

1 epidemic, and then later increased use of
2 methamphetamine, how would you guys know about
3 that? Would you just see it in individual
4 cases, or would you analyze it on a collective
5 basis?

6 A. I would -- I can't -- I cannot -- I
7 don't know. I don't recall that, to be honest
8 with you, that specifics.

9 Q. Do you remember there was a time
10 when the -- the crack epidemic was increasing
11 the burden on Children and Family Services in
12 Cuyahoga County?

13 A. I do recall that.

14 Q. And it put a strain on the ability
15 for the number of workers you had with the
16 resources they had to do their job well; is
17 that fair?

18 A. I don't know that that's fair. I
19 think that the employees worked very hard, and
20 we have to work very differently when there's
21 budget -- you know, we have budget issues or
22 we -- money has been taken away from us, we
23 have to work differently. We work differently,
24 you know, by -- depends on what's going on,
25 but --

1 Q. All right. So at any given time,
2 whatever the budget is, whatever the staffing
3 levels you can achieve given the budget
4 restraints, and whatever the social factors are
5 that drive the need for Children and Family
6 Services, all factor into how management gives
7 direction to people to do their job?

8 A. Yes.

9 Q. Okay. And that has always, as long
10 as you've been involved in the field, looked
11 at, like, trends in substance abuse and whether
12 there was a spike of one type of substance or
13 another that was impacting the community?

14 A. We -- we're aware of that.

15 Q. Okay. Do you remember a time when
16 methamphetamine use rose in this part of the
17 country?

18 A. Yes.

19 Q. Okay. And did that impact, as you
20 recall, the burden on Children and Family
21 Services, the need for additional staffing,
22 money, that sort of thing?

23 A. Well, yes, it was needed.

24 Q. And coming out of that experience
25 from crack and methamphetamine, was the

1 approach that you had during this time period
2 of '05 to '11 such that you were -- you were
3 looking to see if there was anything coming
4 along that would also have an impact in terms
5 of substance abuse?

6 A. I can't answer that question. I
7 don't know.

8 Q. Do you recall if you were paying
9 attention to, like, hey, are there things that
10 are going to affect how we do our job going
11 forward, whether they be trends in substance
12 abuse, nationwide economic trends, mental
13 health trends? Did you pay attention to trends
14 that would drive the need for services?

15 A. We paid attention to some of those
16 things, yes. You know, we worked with the
17 mental health board, for example. You
18 mentioned that. We worked -- you know, there
19 were some things that we did do.

20 Q. And I don't want to make it too
21 simplistic, but anything that happens in the
22 community that can affect the ability of
23 families to function cohesively and to have a
24 kind of a safe family unit can have an impact
25 on Children and Family Services?

1 A. Yes.

2 Q. So that can be the economy, that
3 can be, like, foreign wars, that can be drug
4 abuse, that can be a wide range of things?

5 A. I suppose.

6 Q. I mean, I don't want to come up
7 with the list. I'm wondering what you might
8 have, since you're the one who's spent a lot of
9 time in this area.

10 So what -- what are the things that
11 you would identify as kind of significant
12 drivers of the need for Children and Family
13 Services or the overall burden on Children and
14 Family Services an any given time?

15 A. Well, the need would be to look at
16 programming. The need would be to look at new
17 programming, evidence-based programs that work.
18 We would be looking at those kinds of things.
19 Obviously, our budgets are our budgets. You
20 know, they can change. But I would say it was
21 mostly programming and services and how we
22 relate to our clients.

23 Q. And do you remember any
24 initiatives, in terms of programming, that you
25 were involved with, first during your time at

1 Summit County, that were all directed towards
2 anything going on with substance abuse trends,
3 including any trends relating to opioids or
4 opiates?

5 A. I don't recall while I was in
6 Summit.

7 In Cleveland, yes.

8 Q. So for Cuyahoga County, from 2009
9 to 2011 when you were the director, do you
10 recall any programs that were going on, whether
11 you initiated them or not, that were intended
12 to address something about substance abuse
13 including --

14 A. Our S.T.A.R.T. program.

15 Q. Okay.

16 A. That's what you're getting at,
17 so --

18 Q. Is that the only one that you can
19 think of?

20 A. That's the major one.

21 Q. Okay. And what, from your
22 perspective, drove the initiative, the -- the
23 start of the S.T.A.R.T. program, if you will.

24 A. Well, it was a new program that was
25 developed. You know, and I believe it was

1 developed in Cuyahoga, as I recall it. And --

2 Q. Toledo.

3 A. Was it Toledo first? All right.

4 Q. Well, let's go --

5 A. All right.

6 Q. -- off of your memory.

7 A. All right. We had -- we had the
8 S.T.A.R.T. program. We started the S.T.A.R.T.
9 program, and it was a very positive program as
10 I recall.

11 Q. And did S.T.A.R.T. get its start
12 because of any particular substance that was
13 being abused or trend in substance abuse, as
14 you recall it?

15 A. I don't recall that.

16 Q. Okay. Were there any other
17 programs that, while you were director, that
18 you pushed for increased funding or staffing on
19 because you thought they would help address any
20 of the burdens of substance abuse in the
21 community?

22 A. That was the primary one.

23 Q. Okay. So going back a little bit,
24 and we're kind of straddling two employers.
25 Back in, like, 2008, 2009, do you remember that

1 there was a general decrease in staffing and
2 budgeting in Cuyahoga County and Summit County
3 for Children and Family Services?

4 A. I don't recall that.

5 Q. Okay. So what about when you --
6 when you came in as director for Cuyahoga
7 County in 2009, were you aware that they
8 were -- you were just coming off of major cuts
9 to staffing, including slashing the -- the
10 number of advocates in the S.T.A.R.T. program?

11 A. What year was it? Can you -- can
12 you clarify what year that was?

13 Q. 2009?

14 A. In 2009? My memory is not very
15 good. I can't say that I do recall that.

16 Q. Do you remember there was a
17 national economic downturn in 2008 and 2009?

18 A. I do remember that.

19 Q. Do you remember there was a --
20 there were major budget cuts across the state
21 in 2009?

22 A. Don't recall that.

23 Q. Okay. Do you remember that there
24 were -- that the S.T.A.R.T. program, back when
25 it had been established, had, for Cuyahoga

1 County, like, 35 advocates who were people who
2 had specialized experience of having been
3 substance abusers themselves, and they were
4 intended to serve as kind of liaisons with
5 families with substance abuse as a way to kind
6 of improve the interaction with the families?

7 A. I do remember that.

8 Q. You've heard of an advocate for
9 S.T.A.R.T.?

10 A. Yes.

11 Q. Do you remember that when you came
12 in as director, there weren't 35 advocates on
13 staff anymore; the budget was such that you
14 only had a handful?

15 A. I do recall that.

16 Q. Like three or four? Does that ring
17 a bell?

18 A. It rings a bell.

19 Q. And do you remember that during the
20 two-year time period that you were involved,
21 that one of the things that was discussed was,
22 hey, it would help us deal with substance abuse
23 of various kinds, including whatever trend is
24 coming next on substance abuse, if we had more
25 advocates?

1 A. I don't recall that.

2 Q. Do you recall any efforts that you
3 made to -- or that you asked to be made to try
4 to get more money for Cuyahoga County Children
5 and Family Services to address anything about
6 substance abuse?

7 A. I don't recall specifically. I
8 mean, I know that we worked with the mental
9 health board very closely. We did training
10 with them. I remember some of those things.
11 But I don't recall -- I don't really recall, to
12 be honest with you.

13 Q. And is that sometimes called the
14 ADAMHS Board? That's what you're referencing?

15 A. Yes, yes.

16 Q. So there were joint programs with
17 the ADAMHS Board that were initiated during
18 your time, and we have some documents about
19 that.

20 A. Uh-huh.

21 Q. What I'm asking is, do you recall
22 whether there were other efforts where, through
23 the budgeting process, as cumbersome or
24 difficult as that may have been, you said, hey,
25 department or county or whatever board it was

1 that was making budgeting decisions, we need
2 more money to hire people to do our job? Did
3 any of that happen?

4 A. Well, we were constantly requesting
5 more money.

6 Q. Uh-huh.

7 A. But our budget was our budget, and
8 there was clarity there, as I recall it.

9 Q. Was any of the money that you were
10 requesting to provide additional support for
11 the impacts of substance abuse in Cuyahoga
12 County?

13 A. I can't say specifically.

14 Q. Okay. Do you recall when it was
15 that you first noticed that were there reports
16 coming in that, where in the past there had
17 been a lot of, you know, alcoholism and alcohol
18 abuse at any given time, and that there'd been
19 a period of time when cocaine was prevalent and
20 methamphetamine was prevalent, that started
21 seeing an uptick on abuse of various kinds of
22 what you called opioids, including heroin?

23 MR. McMONAGLE: Objection to form.

24 A. I -- I think that was a slow
25 progression, and, over time, it came to our

1 attention that, wow, it appears that there are
2 more and more people that are overdosing or
3 more and more people that are addicted.

4 But I -- I don't -- I don't recall
5 it as, you know, it -- it was a slow kind of
6 thing that came upon us, so to speak. That's
7 the way I recall it.

8 Q. Do you recall, before you took the
9 Cuyahoga County position, so when you were in
10 the assistant director position in Summit
11 County, if there was attention being paid at
12 that time to this sort of uptick in abuse of
13 prescription opioids or heroin or any of the
14 other drugs you characterized as opioids?

15 A. Well, the meth -- you know, the
16 methamphetamines, those drugs were -- and I'm
17 referring to Summit County -- that they were --
18 it was rampant there, more so than other
19 places.

20 Q. What about when you started
21 specifically seeing more heroin? Was that --
22 was that happening when you were still with
23 Summit County through '09?

24 A. Heroin was not as prevalent as meth
25 was. Meth was the drug of choice back then.

1 Q. Did you see an uptick on heroin
2 during your time with Summit County, though,
3 even if it hadn't passed meth?

4 A. Yes.

5 Q. And do you remember discussions
6 about that back in 2009 or --

7 A. I can't --

8 Q. -- 2008?

9 A. I don't recall the discussions, to
10 be frank.

11 Q. But it was something that one way
12 or another came to your attention as assistant
13 director, hey, there's an impact of not just
14 meth these days, but now we're seeing heroin,
15 and that may factor into how we can provide
16 services in Summit County; is that correct?

17 A. I don't know.

18 Q. Does that ring a bell at all, those
19 sorts of discussions?

20 A. Some.

21 Q. Okay. But you don't know the
22 details --

23 A. I can't recall the details. If I
24 could, I would say.

25 Q. And you don't recall any

1 initiatives coming out of it or getting
2 additional funding back then, do you?

3 A. I don't recall.

4 Q. Is that the sort of thing you'd
5 recall if you started a new program and got
6 some more money for it?

7 A. I would think I would recall that.

8 Q. Okay. So when you started with
9 Cuyahoga County again as the director in 2009,
10 by that point in time, you already had in your
11 head, at least from Summit County, you know,
12 down to the -- the southeast, essentially,
13 we're already seeing a shift from
14 methamphetamine being the big thing to heroin
15 is on the uprise; is that correct?

16 A. That's correct.

17 Q. Okay. And when you came into your
18 position with Cuyahoga County and you had it
19 for roughly two years, did you see, over that
20 time, an increase in heroin and the other sorts
21 of what you called opioids being abused and
22 impacting the provision of services from
23 Children and Family Services?

24 A. I believe so.

25 Q. And do you remember any discussions

1 you had about that with people above you on the
2 chain, so to speak, at Health and Human
3 Services or otherwise within the county?

4 A. Well, I can tell you with Bill
5 Denihan, we had lots of discussions about --
6 about it.

7 Q. What was his position?

8 A. He was the director of the ADAMHS
9 Board.

10 Q. And was it specific to, hey, we're
11 seeing opioids and opiates and heroin all being
12 abused in our community and this is a
13 particular burden on us?

14 A. We -- we had -- yes, he was -- he
15 was aware of the burden, and we had lots of
16 discussions about it, met routinely on it.

17 Q. And would that have been 2009
18 through 2011?

19 A. Not '9. I would say probably '10
20 and '11, to the best of my knowledge.

21 Q. Would any of those discussions be
22 memorialized in any way, as far as you know,
23 either by --

24 A. I don't know that. I don't know
25 that.

1 Q. Let -- let me take a step back.

2 A. I'm sorry.

3 Q. Did you have meetings where, when
4 you met with, like, the ADAMHS Board or you met
5 with him, in any kind of context, any group
6 meetings that, there'd be minutes prepared of
7 meetings that at least summarized what went on?

8 A. I'm not sure.

9 Q. So we do have some minutes of some
10 meetings you attended. Not a lot.

11 A. Uh-huh.

12 Q. But was it practice for certain
13 types of meetings that you had that were, like,
14 monthly meetings with a group, you'd get an
15 agenda circulated before a meeting and get a
16 copy of the minutes from the last meeting
17 distributed?

18 A. That would be practice, I would
19 think.

20 Q. Pretty standard government
21 practice?

22 A. I would think that's a standard
23 government practice that's been...

24 Q. And do you think that any of these
25 meetings you had with Bill Denihan in 2010 and

1 2011 would have been memorialized in these
2 sorts of minutes?

3 A. I don't know that, but I would
4 think so.

5 Q. Okay. And do you remember around
6 this exact same time, 2010, 2011, there were
7 already statewide efforts that the governor's
8 office was initiating conferences and doing
9 things on a statewide basis to look at the
10 impact of opioid or opiate abuse on various
11 aspects of the state and government services?

12 A. I don't recall them.

13 Q. Does that ring a bell at all, that
14 there were statewide efforts going on?

15 A. It rings a bell, but I don't recall
16 specifics.

17 Q. What about any task forces that
18 were set up, either by Cuyahoga County across
19 disciplines or by anything on a statewide
20 basis?

21 A. I'm sorry. I just don't recall.

22 Q. Okay. The conversations you had
23 with Bill Denihan of the ADAMHS Board, do you
24 recall anything coming out of that that led to
25 a specific proposal for more money, more

1 staffing, or a change of policy specific to
2 Children and Family Services?

3 A. I don't recall.

4 Q. But any -- anything relating to a
5 policy change would have to be memorialized in
6 documents proposing policy changes and, like,
7 redlining --

8 A. Yes, yes. If there are policies
9 that we were changing.

10 Q. And -- and if you set up any kind
11 of new program, like a new version of
12 S.T.A.R.T. or some change to how S.T.A.R.T. was
13 done, that would be memorialized too, right?

14 A. I would think so.

15 Q. And all of the budgeting
16 discussions, those get memorialized too, right?

17 A. Should have been.

18 Q. So sitting here today, do you -- do
19 you remember ever getting, during this time
20 period when everybody was recognizing there was
21 this uptick in the impact on governmental
22 services from this new trend in drug abuse
23 relating to specifically, like, heroin and
24 other opiates, did anything change in terms of
25 how Children and Family Services did its work,

1 got its people, got its money?

2 A. I don't know that.

3 Q. You don't recall any changes?

4 A. I don't -- I just don't know.

5 Q. There may have been changes, but
6 you don't remember them?

7 A. I just don't know.

8 MR. McMONAGLE: Is this a good time
9 for a break?

10 MR. ALEXANDER: In a couple more
11 seconds I think we can bring it up.

12 Are you okay?

13 THE WITNESS: Yeah. I'd like a --
14 I'd like a break, but okay.

15 MR. ALEXANDER: Okay. Well, let me
16 just make sure we -- we wrap up this --

17 THE WITNESS: Sure.

18 MR. ALEXANDER: -- part of the
19 discussion.

20 THE WITNESS: Sure.

21 Q. Are you aware of any initiatives
22 that you or your staff were part of during this
23 time period with Cuyahoga County from 2009 to
24 2011 that actually came to fruition, where
25 there actually was some new -- new program

1 launched, some additional funding for an
2 existing program, anything like that to try to
3 address at all what you'd recognized as an
4 additional impact on Children and Family
5 Services from the increasing abuse of opioids
6 or opiates, including heroin?

7 A. I just don't recall it. I just
8 don't recall.

9 Q. And do you think that's because
10 there wasn't anything that ever came to
11 fruition, or because, you know, there may or
12 may not have been and you just don't remember
13 10 years later?

14 A. I -- I just don't remember 10 years
15 later.

16 Q. Okay, fair enough.

17 MR. ALEXANDER: Now is a good time
18 for a break if you want one.

19 THE WITNESS: Yep, I'd like one.

20 THE VIDEOGRAPHER: Off the record,
21 11:04.

22 (A recess was taken.)

23 THE VIDEOGRAPHER: On the record,
24 11:19.

25 BY MR ALEXANDER:

1 Q. Ms. Forkas, do you have any of your
2 testimony thus far you need to change or
3 supplement in any way?

4 A. No.

5 Q. Did you talk with Plaintiffs'
6 counsel during the break?

7 A. Yes, I...

8 Q. So I just want to make sure I'm
9 clear, because I don't want to break it, create
10 any issues. So I'm not asking about any
11 conversations that you had with counsel for
12 Stark County when Plaintiffs' counsel wasn't
13 present. But if Plaintiffs's counsel was
14 present during any conversations, that's what I
15 want to know about, okay?

16 A. Uh-huh.

17 Q. So did you have conversations where
18 Plaintiffs' counsel was present at all during
19 the break?

20 A. Did we have conversations?

21 Q. Yes.

22 A. Yes.

23 Q. Did you talk about anything
24 substantive in terms of the deposition thus
25 far?

1 A. No. It was about me, how was I
2 feeling, how was I doing, that kind of thing.

3 Q. Were you given any new information
4 or any instructions?

5 A. No instruction. No information.

6 Q. Any -- I asked you earlier about
7 whether you had any information about whether
8 any of the allegations against any of the
9 Defendants were correct or incorrect. Do you
10 remember those questions?

11 A. Vaguely.

12 Q. Do -- do you know if any of the
13 allegations are correct about what the impact
14 on the Plaintiffs has been relating to anything
15 about opioids or opiates in terms of damages
16 they claim or injuries that they claim?

17 A. No.

18 Q. Okay. Do you have any personal
19 knowledge about the damages, if any, sustained
20 by Cuyahoga County relating to anything about
21 opioid or opiate abuse?

22 A. Relating to the agency? In
23 general?

24 Q. Related to the county.

25 A. To the -- to the county?

1 Q. Yes, ma'am.

2 A. Could you please define county,
3 what you -- what do you mean by that?

4 Q. Sure. So the county that's suing
5 is the governmental entity, and they're made up
6 a bunch of branches and they have various
7 allegations and claims about the impact, not
8 just on Children and Family Services, but
9 Health and Human Services more broadly, and
10 various other branches of government and
11 impacts on governmental services.

12 Does that make sense so far?

13 A. Yes.

14 Q. And Summit County has similar
15 claims. Does that make sense?

16 A. Makes sense.

17 Q. Do you have any personal knowledge
18 about whether there are any damages sustained
19 by Cuyahoga County, and if so, how much?

20 A. No idea.

21 Q. Same thing for Summit County?

22 A. Same thing. No idea.

23 Q. And while you were director of
24 Children and Family Services, did you have your
25 staff or participate in any analyses that

1 looked at, like, the financial impact of any
2 aspect of substance abuse on Children and
3 Family Services?

4 A. I don't recall that.

5 Q. Okay. What about, like, budgeting
6 demands, like, we should have this many more
7 people in these different positions because of
8 this uprise in alcoholism or methamphetamine or
9 cocaine or something else?

10 A. I don't recall.

11 Q. What -- what about anything
12 relating to how much additional money it would
13 take or money for staffing it would take to
14 allow you to keep up with the demands that were
15 put on the division because of any aspect of
16 substance abuse, including opiates or opiates
17 [sic]?

18 A. I don't recall those conversations.

19 Q. Or analyses like that?

20 A. Or analyses.

21 Q. And the same thing for Summit
22 County. Do you recall any analyses like that
23 or --

24 A. No.

25 Q. -- discussions about financial

1 impact?

2 A. I don't recall. I'm sorry. I just
3 don't recall.

4 Q. So let me -- let me make sure we're
5 on the same page about this.

6 Given what you said about that
7 there's -- substance abuse is one of the main
8 drivers of Children and Family Services, and
9 that various other things, including economic
10 downturn and other societal factors impact the
11 need for Children and Family Services, is it
12 also your belief that there's a central
13 financial impact from any of those drivers as
14 well?

15 A. I believe so.

16 Q. And that could be expressed by,
17 like, this much of our existing budget is
18 devoted to addressing this particular type of
19 issue, or we would need this amount of
20 additional money to be able to keep up with the
21 demands caused by, you know, meth epidemic or
22 crack epidemic or, you know, mental health
23 crisis or whatever?

24 A. I just don't recall those
25 conversations.

1 Q. Okay. But -- but is that what you
2 think happens, is that at any point in time,
3 some portion of the money that's being spent or
4 the money that could be spent on Children and
5 Family Services could be attributed to the
6 impact of the, you know, mental health crisis
7 or crack epidemic or meth epidemic?

8 A. I don't know that.

9 Q. Was -- was that part of discussions
10 that you're aware of while you were there of,
11 hey, you know, a large part of our budget is
12 taken up by addressing these sorts of trends
13 and, you know, maybe we should quantify it in
14 some way?

15 A. I don't know that.

16 Q. Okay. Like in connection with
17 budgeting proposals, do you recall anything
18 where people would say, as maybe making a more
19 persuasive claim for we need more money to
20 fulfill our function, we should say, listen,
21 there's a big impact of this thing or that
22 thing that's going on locally or nationally or
23 statewide to try to get more money to do our
24 job?

25 MR. McMONAGLE: Objection to form.

1 A. I don't know that. I can't answer
2 your question.

3 Q. And did you participate in making
4 those sorts of pitches for more money in the
5 budget process?

6 A. I'm not sure.

7 Q. Do -- do you think that Cuyahoga
8 County Division of Children and Family Services
9 did a good job under the time period, under
10 you, during the time period when you were the
11 director?

12 A. I did the best job I could.

13 Q. And do you think the division did a
14 good job?

15 A. I think the division did the best
16 job that they could considering the
17 circumstances of things that were going on in
18 the agency at the time.

19 Q. And what were those things going on
20 in the agency at the time that --

21 A. Well --

22 Q. -- make it harder?

23 A. --we had --

24 Q. Made it harder?

25 A. Well, we -- you know, from -- we

1 had fatalities, which is very difficult. We
2 were in the media. I mean, there were just a
3 lot of things that were going on from the time
4 that I started working there to the time that I
5 left.

6 Q. Okay. So I have the media reports,
7 and we know about the --

8 A. Sure.

9 Q. -- deaths that were in the media.
10 But I want to make sure that you can give us
11 what the list is in your head of the lot of
12 things that were going on that make it -- made
13 it harder for Children and Family Services to
14 do its job well.

15 Can you give us that list of what
16 it was, other than the media attention to the
17 deaths?

18 A. Well, it was the -- about the work.
19 And about the volume of the work.

20 Q. Can you explain that please?

21 A. Well, we had all kinds of things
22 going on in the agency. When I came back to
23 the agency, it was a very different agency than
24 what -- when I had left. I can tell you
25 that -- that communication wasn't very good.

1 There were problems between management. We
2 were working on those kinds of things.

3 We needed -- we did need more
4 services. We did do a blue-ribbon panel, which
5 I'm sure you read about, to try to develop the
6 programs. We brought experts in to try to
7 figure out what are the things we can -- you
8 know, that we can work on, why is this
9 happening. We did a lot of things. There were
10 lots of problems.

11 Q. Okay. So we'll talk about the
12 panel. We do have that. That was led by a
13 professor from Case Western, correct?

14 A. Yes, David.

15 Q. So that's kind of on the "steps to
16 fix it" side, if you will.

17 A. Uh-huh.

18 Q. I want to make sure we have your
19 list of what the problems were, what the
20 impediments were.

21 So you talked about communications
22 within management.

23 A. Uh-huh.

24 Q. Correct?

25 A. Uh-huh.

1 Q. Is that a yes?

2 A. Yes.

3 Q. That's one of those --

4 A. Sorry.

5 Q. -- things where --

6 A. That's -- got it.

7 Q. -- you got to use words where you
8 can. Okay.

9 A. Yes.

10 Q. And that wasn't an issue of how
11 much funding you had or anything relating to
12 drug abuse; the management communication issue
13 was just a structural problem?

14 A. It was a structural problem.

15 Q. Okay. And there was also an issue,
16 I think, from what you've said, about the way
17 that different parts of the government
18 communicated, the interaction between different
19 divisions of Health and Human Services or
20 interaction with things like the ADAMHS Board
21 or the courts, there's intragovernmental
22 communication issues as well, correct?

23 A. That's true.

24 Q. I think you mentioned something
25 about the volume of cases. The volume of cases

1 during this time period was going up, but
2 you're staffing and your budgeting was not; is
3 that right?

4 A. That's true, I believe.

5 Q. Which meant that the caseload was
6 going up for every worker?

7 A. Caseloads do go up.

8 Q. All right. So budgeting issues,
9 staffing issues, internal structural
10 communication issues, communication issues
11 within the government but outside of Children
12 and Family Services, increased staffing needs.
13 What else, please?

14 A. More programming, more services
15 needed.

16 Q. And what were the additional
17 services and programming needed that you recall
18 identifying during this time period of 2009 to
19 2011?

20 A. I don't recall. I don't recall
21 exactly what they were.

22 Q. But in general, there was just more
23 stuff to do?

24 A. There was lots of things to do,
25 lots of services that were needed.

1 Q. Okay. And these -- all of these
2 things added up to make it hard to run a
3 division at the level of performance that you
4 would want in terms of protecting the safety of
5 children of Cuyahoga County?

6 A. Repeat your question, please.

7 Q. The things that you've been
8 identifying that made your life more difficult
9 or made the job of the division harder, those
10 impacted the ability of the division to fulfill
11 it's primary mission of protecting the safety
12 of the children of Cuyahoga County, correct?

13 A. Well, I'd like -- I'd like to
14 believe that, you know, there's -- that
15 people were -- children and families were still
16 receiving services. They were receiving
17 services all the way through. Now, were they
18 receiving the services that we previously had?
19 No, those were reduced.

20 Q. So the level of services that were
21 provided, from your perspective, reduced during
22 2009 to 2011, compared to your historic
23 experience?

24 A. Correct.

25 Q. And that was not driven by the

1 abuse of opioids or opiates in the community,
2 was it? That trend?

3 A. I can't answer that question.

4 Q. From what you've said, there were a
5 bunch of other factors that impacted that as
6 well, correct?

7 A. There were factors.

8 Q. And is it true that one of the big
9 factors was that the overall budget was less in
10 2009 than it had been a couple years earlier?

11 A. I don't recall that, numbers.

12 Q. What about from the state's
13 financial contribution to Children and Family
14 Services. Do you recall that Ohio was last in
15 the nation --

16 A. I do.

17 Q. -- in terms of how much was
18 contributed by the state to the county
19 provision of services?

20 A. I do.

21 Q. Okay. And that they were less, by
22 a fair margin, that they were -- it was often
23 quoted they could double the amount that the
24 state gave to each county and they'd still be
25 last in the country?

1 A. It's true.

2 Q. Okay. And how did that impact
3 things?

4 A. As you can imagine, cause- -- it
5 was difficult.

6 Q. And that meant that a lot of the
7 money that was going to go to anything for
8 Children and Family Services had to come from
9 private sources, federal funds, or a local
10 levy; is that correct?

11 A. That's correct.

12 Q. And in terms of federal funds, do
13 you recall during this time period when you
14 were director, doing anything to try to get
15 additional federal funds because of anything
16 relating to increasing abuse of opioids or
17 opiates?

18 A. I don't recall.

19 Q. What about private funding? Did
20 you recall efforts to try to get more private
21 funding during this time?

22 A. I don't recall. I -- not certain.

23 Q. Okay. And let me ask it more
24 generally. Did you do anything during this
25 time to try to get more federal funding for any

1 purpose?

2 A. I don't recall.

3 Q. Okay. And did you do anything or
4 participate in anything about trying to
5 increase the local levy?

6 A. No, not that I recall.

7 Q. As a resident of Cuyahoga County
8 and somebody in this field, including somebody
9 who's participated in statewide entities like
10 PCSAO over the years, do you know anything
11 about what's gone on with the levy for Cuyahoga
12 County to try to get money for Children and
13 Family Services?

14 A. Currently right now?

15 Q. Yeah.

16 A. No, not right now.

17 Q. Do you know that essentially, for
18 many years after you left the director
19 position, they still didn't increase the levy
20 and that the funding remained essentially flat
21 or decreasing?

22 A. No, I didn't know that.

23 Q. We talked that you knew Ms. Rideout
24 and that you talked to her in connection with
25 the succession of her taking over your

1 position, correct?

2 A. Somewhat.

3 Q. Okay. Did you talk to your
4 predecessor at all?

5 A. No.

6 Q. Who was your predecessor?

7 A. I don't recall.

8 Q. Have you talked to any of the
9 people who've had the director position since
10 Ms. Rideout?

11 A. Anybody -- repeat the question,
12 please.

13 Q. Have you had any dealings with
14 Cuyahoga County Division of Children and Family
15 Services since Ms. Rideout stopped being
16 director?

17 A. No.

18 Q. Okay.

19 A. I think it was Tom Pristow, wasn't
20 it?

21 Q. Yes. Did you ever deal with him?

22 A. Very indirectly.

23 Q. And have you had -- do you have any
24 personal knowledge of what's gone on in the
25 division in terms of funding or staffing or

1 programs, anything like that?

2 A. None.

3 Q. You've focused on Fairfax County
4 and now Stark County since then?

5 A. Yes.

6 Q. Okay. So you don't have personal
7 knowledge of how any trends may have changed in
8 terms of the impact of different types of drug
9 abuse or substance abuse on Cuyahoga County
10 Children and Family Services after you were
11 director, correct?

12 A. Correct.

13 Q. Do you know if any of the
14 discussions that you had with Ms. Rideout when
15 she was taking over had anything to do with the
16 impact of substance abuse?

17 A. No. It was more just about the
18 agency. Very, very vague. You know, we didn't
19 talk about specifics. It was more about, you
20 know, when she was thinking about taking the
21 job, actually.

22 Q. Did you counsel her against taking
23 the job?

24 A. No. I li- -- I listened to her.
25 That was it.

1 Q. Did you apply for the job at the
2 end of 2010 when --

3 A. No.

4 Q. -- she ended up getting it?

5 A. No.

6 Q. Do you -- do you know if you had
7 any discussions about the importance of the
8 S.T.A.R.T. program or kind of ramping up the
9 S.T.A.R.T. program to get its staffing levels
10 up?

11 A. I don't recall anything.

12 Q. Do you recall anything during your
13 time as director about the impact on
14 performance from having, you know, a tenth,
15 roughly, of S.T.A.R.T. funding that you were
16 supposed to have for advocates?

17 A. No, I don't recall that. I don't
18 recall those conversations.

19 Q. Do you recall any conversations
20 about the importance of the advocates for the
21 S.T.A.R.T. program?

22 A. I don't recall it.

23 Q. When you were director of Children
24 and Family Services for Cuyahoga County, did
25 you have an e-mail account there?

1 A. Yes.

2 Q. Okay. And did you conduct most of
3 your business through e-mail or telephone,
4 in-person meetings?

5 A. All of the above.

6 Q. Okay. And did you -- were there
7 certain types of documents you would create
8 back then, in terms of you would write up your
9 own memos or were you somebody, you were like,
10 hey --

11 A. No.

12 Q. -- dictate it and have somebody
13 type it up?

14 A. Dictate it. I had an
15 administrative assistant that did that.

16 Q. What was her name?

17 A. Regina Thigpen.

18 Q. We've seen some documents from her.
19 I just need to --

20 A. Yeah. Regina Thigpen.

21 Q. Okay. What other sorts of
22 documents would you ever create under your own
23 name, besides e-mails?

24 A. I don't know.

25 Q. Would you, like, edit memos that

1 somebody else prepared in, like, a Word file or
2 a -- look at a spreadsheet somebody did for --
3 with Excel, add comments or change it?

4 A. Not in general. We did those in
5 meetings. Budget meetings, for example.

6 Q. And what sort of documents would
7 come out of a budget meeting or be generated in
8 connection with a budget --

9 A. Audrey would -- you know, Excel
10 spreadsheets, she'd -- things like that. You
11 know, the -- the last quarter, the last month,
12 where we were with the budget in general.
13 Those kinds of things.

14 Q. Did you have some sort of
15 specialist who would deal with budgets or
16 statistics?

17 A. Audrey Beasley.

18 Q. Did you keep hard copy files from
19 your time as director, or was it all
20 electronic?

21 A. Electronic.

22 Q. You mentioned earlier something
23 called case files where we had a little
24 discussion about that.

25 Would you ever have an occasion to

1 actually look at a case file when you were
2 director?

3 A. I did on occasion. Depends on, you
4 know, like, for example we had a few fatalities
5 when -- and I would look at the case files.
6 It's been a long time since I thought about
7 that.

8 Q. Was there a reason to look at a
9 case file other than when there was a
10 particular case that was, like, in the press or
11 where there was a death?

12 A. It was just good to see everything
13 that was in the file to redo- -- to review. We
14 did reviews.

15 Q. So we have mentioned SACWIS. Would
16 you ever ask for reports to be run out of
17 SACWIS, either by asking your staff or
18 communicating directly with the state to have
19 it run?

20 A. There were SACWIS reports that
21 were -- you know, there were canned reports
22 that we would -- that we would get.

23 Q. And did -- was the way it worked
24 that you had somebody that could run the report
25 out of SACWIS, or you had to ask somebody at

1 the state to run it for you?

2 A. No, we -- out of -- we could -- we
3 could run -- I believe we could run reports out
4 of SACWIS. I believe -- I believe so.

5 Q. Were there some reports that you
6 could run yourselves and other reports that had
7 to be run by the state?

8 A. I'm not sure. I can't answer that
9 question. I don't know that.

10 Q. And you said there were canned
11 reports. Were there specific reports that you
12 would have had the ability to be request be
13 run?

14 A. There -- there were things, the
15 canned reports. You know, there were reports
16 about placements and about dollars with
17 placements, and, you know, those kinds of --
18 those kinds of things.

19 Q. And do you recall ever asking for
20 any new or different type of report to be run?

21 A. I don't recall.

22 Q. And why was it important to know
23 dollars with placements?

24 A. Well, it's always good to know how
25 much money you're spending so that you can move

1 money around if you need to.

2 Q. Would you ever ask that it be,
3 like, cross-referenced to say, okay, here's
4 much -- how much we're spending on placements
5 and here's how much relates to, you know, cases
6 where the placement is attributed to, you know,
7 alcohol abuse or attributed to, you know, a
8 mental health issue or something else?

9 A. I don't know that we had that data
10 in an aggregate format.

11 Q. That may not have been within the
12 system's capabilities back when you were
13 director?

14 A. It was a long -- well, I'm not
15 sure.

16 Q. Okay. Other than SACWIS, were
17 there other databases or data sources that you
18 or your staff would utilize to get information
19 you would use?

20 A. We still had FACS at the same time,
21 because there were problems with SACWIS.

22 Q. What was that?

23 A. Well, there were -- you know, it
24 was -- there was just -- just some things got
25 brought on at different points in time with --

1 with SACWIS, so --

2 Q. I'm sorry. What -- what was FACS?

3 A. FACS was the previous system. So
4 there was dual entry on finance for a -- for a
5 short period of time, so there was FACS and
6 then there was SACWIS.

7 Q. Do you know what "FACS" stood for?

8 A. I used know.

9 Q. Who maintained that?

10 A. The state.

11 Q. Okay. And -- but the data entry
12 would be done on the county level?

13 A. Uh-huh.

14 Q. Yes?

15 A. It was loaded down -- yes. It was
16 loaded down every night and sent to the state.

17 Q. Was there also a time when you
18 noticed that there was an increasing burden on
19 your staff, the caseworkers, because of how
20 much time they had to spend entering data into
21 SACWIS or FACS?

22 A. It was dual entry, and it was
23 cumbersome, but we needed to be sure that it
24 was accurate.

25 Q. And what kind of reports could you

1 get out of the FACS database?

2 A. Well, I didn't run anything out of
3 FACS.

4 Q. You had staff that could do that?

5 A. There was -- there was IT staff
6 that could do that if needed. I don't recall
7 it, reports or what the reports were.

8 Q. Okay. Other than SACWIS and FACS,
9 were there other databases that were used to
10 look at data collectively or run reports of any
11 sort?

12 A. Possibly Excel. Excel
13 spreadsheets, you know, everybody's using Excel
14 spreadsheets --

15 Q. What sort --

16 A. -- but no real --

17 Q. Sorry.

18 A. You're interrupting me now.

19 That's it. Go ahead.

20 Q. I'm sorry.

21 A. That's all right.

22 Q. What sorts of reports or analyses
23 would you or your staff do through Excel?

24 A. They would track certain costs, I
25 believe. It was really more of a finance --

1 handling finance. And we would review --
2 review them.

3 Q. And did you have particular staff
4 who was responsible for tracking financing and
5 spending?

6 A. Yes.

7 Q. Who was that?

8 A. Audrey Beasley.

9 Q. Do you have in your mind, as you
10 sit here today, a wish list of things that you
11 would have wanted to initiate if you'd had
12 additional money back then?

13 A. I don't know. I can't answer that
14 question.

15 Q. And have you ever thought about we
16 really needed more money back then to address
17 any aspect of substance abuse in Cuyahoga
18 County?

19 A. I think we always needed more money
20 for everything.

21 Q. Okay. Not specific to substance
22 abuse?

23 A. Could be. Could be. Could have
24 been all the -- all the problems that we had.

25 Q. Okay. Let me ask it this way.

1 When you say we could have used more money all
2 the time for all sorts of things, that is not
3 saying, oh, we specifically needed money just
4 to address opioid or opiate abuse?

5 A. We needed money for that. We
6 needed money for all different kinds of things
7 at the agency. If we would have -- could have
8 had it, we would have developed some things.
9 We did develop some things, you know, but we
10 did the very best we could with -- with what we
11 had.

12 Q. Okay. And do you think that you
13 made adequate efforts to try to get increased
14 funding when you were director?

15 A. I tried. I tried.

16 Q. And you couldn't get more money?

17 A. We got some, but it was not what we
18 needed.

19 Q. Like, I mean, you didn't get
20 millions of extra dollars during your time;
21 the --

22 A. No.

23 Q. -- budget was pretty flat?

24 A. It was a flat budget, but we got
25 some money. So money that was not spent, for

1 example, on placements, we were able to move
2 some of that money so that we could do it --
3 use it for programming. You know, same money,
4 but where we underspent a little, we could move
5 some of that money.

6 Q. So during this time period when you
7 were director and the budget was flat, your
8 needs were not flat; they were increasing,
9 correct?

10 A. They were increasing.

11 Q. And that is not just because of
12 opioid or opiate abuse in the community; that's
13 because of a bunch of things?

14 A. Bunch of things.

15 Q. And in your mind, can you -- can
16 you weigh that of how much of that has anything
17 to do with what you'd recognize at the time was
18 an increase in the use of or abuse of opioids
19 or opiates versus all of the other things?

20 A. To be honest with you, I can't.

21 Q. Okay. Which one's more of a
22 driver?

23 A. It's hard to say.

24 Q. Okay. So the -- all the other
25 things that were leading to increased burden

1 during 2009 to 2011, can -- can you list those,
2 of what you think was -- why it was that was
3 every year you had more and more need for
4 Children and Protective Services or Children
5 and Family Services, staffing, spending
6 programs, all of that?

7 A. I can't say.

8 Q. I mean, it's a lot of things,
9 right?

10 A. It was a lot of things.

11 Q. And during this time period you're
12 coming right out of the economic downturn from
13 2008 and 2009, correct?

14 A. I suppose.

15 Q. Do you recall -- well, let me ask
16 this. Do you remember a time in Cuyahoga
17 County when there was massive investigation and
18 prosecution of public corruption?

19 A. Do I remember that time?

20 Q. Yes.

21 A. Yes.

22 Q. And sound right that, like, 60-plus
23 people were indicted or convicted back then for
24 various types of public corruption?

25 A. I recall that.

1 Q. And did that impact the ability to
2 get funding when you were director, or the
3 ability to do your job well?

4 A. I can't say that.

5 Q. I mean, it wasn't like all of the
6 sudden coming out of a period of time with
7 massive embezzlement that there was more money
8 in the budget available for Children and Family
9 Services, right?

10 A. I don't believe so.

11 Q. That -- that wouldn't make sense,
12 would it?

13 A. Doesn't seem to.

14 Q. Was there also a change in the
15 process for getting funding during the time you
16 were director?

17 A. I don't believe there was, but I'm
18 not 100 percent. I don't really recall that.

19 Q. In general, did you find it -- find
20 that whoever it was, was controlling the
21 pursestrings, if you will, of getting money for
22 Children and Family Services when you were
23 director, was tight on the money or were
24 they -- they lenient in terms of giving you
25 money that you could justify that you needed?

1 A. No, there wasn't leniency. We'll
2 just say that.

3 Q. And do you wish you had more money?

4 A. Always.

5 Q. Have you ever kind of quantified
6 that of, you know, I wish we had another \$20
7 million a year for our budget, \$30 million a
8 year, anything like that?

9 A. I can't say. I don't recall.

10 Q. Would you have needed a lot more
11 money to do a better job?

12 A. I think so.

13 Q. Were you able to fill positions
14 when you had them open?

15 A. No. Not all.

16 Q. Why not?

17 A. Well, there were -- just not the --
18 the money wasn't there, as I recall it.

19 Q. Do you also recall that there were
20 issues with the HR department for the county in
21 terms of them processing paperwork and setting
22 up trainings and doing all of the steps so that
23 you could actually fill positions that were
24 open to be filled?

25 A. I don't recall that.

1 Q. What about turnover? Do you recall
2 having an unacceptable rate of turnover from
3 your perspective?

4 A. Turnover, initially, when I first
5 got there, was a problem, but we had focused on
6 improving the turnover rate. It was -- it was
7 fairly low, but then I can't speak over time.

8 Q. And turnover was particularly an
9 issue among new hires, so people tend to leave
10 within roughly their first year, particularly
11 in intake?

12 A. I don't recall that, but that would
13 make sense.

14 Q. And so when you have a problem of
15 it's hard to hire people and then you have
16 people leaving faster than you hope, you end up
17 with not enough people to fill the positions
18 that you have budget -- you have money
19 allocated for; is that what happens?

20 A. I can't say that.

21 Q. Okay. Did you ascertain, during
22 this time period, that the lack of full
23 staffing was a problem for the provision of
24 services?

25 A. No.

1 - - - - -

2 (Thereupon, Deposition Exhibit 1,
3 12/14/2010 Letter from Deborah
4 Forkas to Ed FitzGerald Re: Position
5 of Deputy Director of Children and
6 Family Services, CUYAH_012151317 to
7 012151320, was marked for purposes
8 of identification.)

9 - - - - -

10 Q. I've marked as Exhibit 1 -- there's
11 a copy for you. I'll identify the document for
12 the record, and then there's a copy for the
13 Plaintiffs' counsel and counsel for Stark
14 County. So you get the one with the sticker on
15 it, on top. That's -- so it's going to be with
16 the exhibits. And then down there.

17 So Exhibit 1 is a document that was
18 produced by Cuyahoga County in this litigation,
19 bearing Bates number CUYAH_012151317 through
20 20.

21 Those little numbers in the bottom
22 right are called Bates numbers. Do you see
23 that?

24 A. (Witness nodding head.)

25 Q. I may refer to that to help you

1 focus on a particular page or something. Does
2 that make sense?

3 A. Yes.

4 Q. Okay. So Exhibit 1 says that it's
5 from you, as director of Cuyahoga County
6 Children and Family Services, from December 14,
7 2010. And was that your title at that time?

8 A. I'm sorry.

9 Q. Were you the director as of
10 December 14th --

11 A. Yes.

12 Q. -- 2010?

13 A. Yes.

14 Q. And it attaches a copy of what it
15 says is your CV or resume, which is a
16 three-page document after the cover letter. Do
17 you see that?

18 A. Uh-huh.

19 Q. Does that look like that was a
20 current resume or CV at that time?

21 A. It looks like the real thing.

22 Q. Do you see anything in here that
23 you know to be inaccurate?

24 A. I am not sure about the \$184
25 million budget.

1 Q. And that's the first bullet under
2 what you've listed for Cuyahoga County
3 Department of Children and Family Services?

4 A. Uh-huh.

5 Q. The time when you were director.

6 So can you just explain what it is,
7 why were you writing a letter -- here it's
8 directed to Mr. FitzGerald, which -- who would
9 have been the county executive at the time,
10 correct?

11 A. Uh-huh.

12 Q. Yes?

13 A. Yes.

14 Q. So why was it after you had already
15 had the job for close to two years that you
16 were sending a letter attaching your CV to
17 apply for the position that you had?

18 A. I don't really know. I don't
19 recall this.

20 Q. So let's -- let's go through it a
21 little more -- in a little more detail, then.

22 It starts off as being sent to
23 Cuyahoga County executive-elect transition
24 office. Do you see that?

25 A. I see that.

1 Q. And, "Dear Mr. FitzGerald." That's
2 who had just been elected as the exec- --
3 county executive and had not yet assumed --
4 been sworn into office. That's the time period
5 we're talking about, right?

6 A. Yes.

7 Q. And so that's -- that goes along
8 with saying that this is the executive-elect
9 transition office. Do you see that?

10 A. Uh-huh, I see it.

11 Q. And your first sentence says, "I am
12 writing in response to your posting for the
13 position of deputy director of Children and
14 Family Services." And then you continue on
15 with a description of your experience, and
16 attaching a copy of your CV.

17 A. I think this was -- well, never
18 mind. You don't have a question.

19 Q. So what do you think is going on
20 here? At this point in time, did you already
21 know that you weren't going to have the
22 director position after Mr. FitzGerald assumed
23 office and that you wanted to get some other
24 position, like the deputy director?

25 A. No, no.

1 Q. What do you think is going on with
2 this application?

3 A. Do you have -- do you have the
4 sign -- do you have a signature for me?

5 Q. This is how we got it produced to
6 us.

7 A. I just find this interesting. The
8 only thing that I can think of is I believe we
9 were told each of the -- the deputy directors
10 or -- they call it deputy director; I think
11 that was our new title, actually -- is that we
12 had to reapply for our positions. This is the
13 14th of 2010 -- December 14, 2010 -- we had to
14 reapply for our positions, is what I think this
15 is.

16 Q. Do you think you actually
17 ultimately reapplied for your position to try
18 to keep the same position?

19 A. I don't know that.

20 Q. Okay. But in any event, you did
21 not keep it once the new --

22 A. No.

23 Q. -- administration took --

24 A. No.

25 Q. So let's just go to where the

1 bullets that you have on your CV, starting on
2 the second page under the period of time as
3 director, from January '09 to present.

4 A. Uh-huh.

5 Q. This is where you identified that
6 there might be some number that you're not sure
7 is correct. The first bullet says,
8 "Responsible for leading and directing the
9 largest child-welfare agency in the state of
10 Ohio. Oversight of 900 staff and \$184 million
11 budget."

12 Do you see that?

13 A. Yes, I see it.

14 Q. And you think that's all accurate,
15 but you're not sure if the \$184 million budget
16 is exactly right?

17 A. We had a very large budget as I
18 recall, but I don't -- I can't -- I can't
19 comment on the number. I'm not sure.

20 Q. It says, "Providing management of
21 client services (hotline intake, family
22 services, foster care, and adoption)." Then it
23 says, "Supportive services (fiscal information
24 services and training and legal services and
25 purchase services)."

1 Do you see that?

2 A. Yes.

3 Q. So is that a fair summary of what
4 your responsibility was as director?

5 A. Well, some of it. It's fair.

6 Q. And then the third bullet down
7 below says, "Initiated and implemented a
8 30-member panel of local, state, and national
9 experts in child-welfare to review and evaluate
10 past practices of the agency."

11 Do you see that?

12 A. Yes.

13 Q. And you referred to that earlier,
14 correct?

15 A. Yes.

16 Q. And do you know if any of their
17 practices actually have been -- their practice
18 recommendations had been implemented before you
19 left your position as director?

20 A. They weren't before. The weren't
21 before. I was gone when they were supposedly
22 implementing, but I know that there were -- I
23 had heard that they hadn't -- there were lots
24 of recommendations.

25 Q. Right.

1 A. And I had heard that many of them
2 were not implemented.

3 Q. There were, like, 72
4 recommendations?

5 A. It was a big list, as I recall.

6 Q. Why don't I finish the question.

7 A. Oh, sorry.

8 Q. Just about two months before this,
9 in October of 2010, the panel came out with
10 about 72 recommendations, and you think very
11 few of those were actually implemented?

12 A. I don't know that as a fact.
13 I'm --

14 Q. How about this one. None of them
15 had been implemented while you were still
16 director?

17 A. I'm aware of that.

18 Q. Okay.

19 - - - - -

20 (Thereupon, Deposition Exhibit 2,
21 February 2010 Plain Dealer Article,
22 "Deaths of Arshon Baker and
23 Alexandria Hamilton Raise Questions
24 About Abuse Prevention", was marked
25 for purposes of identification.)

1 - - - - -

2 Q. The same deal. There are three
3 copies. This is Exhibit 2. And I think we've
4 referred to this as --

5 THE WITNESS: Bless you.

6 MR. ALEXANDER: Gesundheit.

7 Q. -- referred to this as well. This
8 is a news story from the Plain Dealer from
9 February of 2010, posted February 21st, updated
10 February 22nd, that concerned two deaths of
11 children who were the offspring of clients of
12 Children and Family Services.

13 Is that an accurate description?

14 A. Yes.

15 Q. So this is the sort of thing that
16 you mentioned earlier that made your life --
17 made your job difficult, that during the time
18 when you were director during these two-year
19 periods, there were a number of news stories
20 talking about deaths of children that ended up
21 being in the press and that were fairly high
22 profile in the community, correct?

23 A. That's true.

24 Q. And I'm not going to spend much
25 time with this, but I just want to make sure we

1 can orient this, including some of the
2 statements in here that are from you. Does
3 that make sense?

4 A. Uh-huh, yes.

5 Q. And over time, part of your job was
6 to give statements to the press; is that
7 correct?

8 A. Sometimes.

9 Q. And did you try to be accurate when
10 you did so?

11 A. I tried.

12 Q. And are you aware of any times that
13 you were misquoted or there was a
14 misattribution of something that you said in
15 any of the press?

16 A. Many times.

17 Q. And did you ever take legal action
18 about that, saying that, you know, they were
19 misquoting you or they were doing something
20 improper about how they were repres- --

21 A. We took action. We took action.
22 We -- they were aware of that we were very
23 upset about it. There were some that were
24 recanted, actually, with -- that dealt with one
25 of the courts.

1 Q. Okay. So if any documents I show
2 you from the press, there's something in there
3 where you say, you know, "I know that they had
4 to take this back or change it," and it's not
5 reflected in what we have, please point out. I
6 think what you'll see is the way that we get
7 these, we only get what's available, which if
8 they pulled it down, we don't have it.

9 A. Right.

10 Q. Does that make sense?

11 A. Uh-huh, yes.

12 Q. So the first sentence of this
13 story, Exhibit 2, says, "Two children in four
14 months, both mothers accused of murder, both
15 well known to children welfare workers in
16 Cuyahoga County."

17 Do you see that?

18 A. Yes.

19 Q. And then it goes forward and -- and
20 talks about the unfortunate details of these
21 cases, including, for the first one that's
22 being discussed, about Arshon Glass, who was a
23 five-year-old boy who died. It says that --
24 this is the bottom of the second page -- "A
25 disquieting picture has emerged."

1 Do you see that paragraph?

2 A. Yes.

3 Q. It says, "The Plain Dealer, through
4 records and interviews, found that
5 child-welfare workers discontinued service for
6 the family."

7 Do you know if that is correct?

8 A. I don't know.

9 Q. When they're discussing here about
10 records, were there times when actually case
11 files were made available to the press?

12 A. Absolutely not.

13 Q. "The sheriff's office didn't arrest
14 Arshon's mother when it had the chance. The
15 school stopped training teachers to spot
16 abuse."

17 So there are two things there. The
18 first part, do you know if that's correct that
19 the sheriff's office didn't arrest the mother
20 who ultimately was charged with murdering her
21 son?

22 A. I don't recall that.

23 Q. Okay. Did you have interaction
24 with the sheriff's office in connection with
25 this role?

1 A. I don't recall that.

2 Q. What about the thing about the
3 school stopped training teachers to spot abuse?
4 Do you know what the story is there?

5 A. No.

6 Q. I think there's some references
7 later to the details there, but was part of how
8 you got reports of suspected child endangerment
9 or abuse through schools?

10 A. Schools make referrals.

11 Q. Was there a special system set up
12 to train them, train teachers or school staff
13 to be able to report this sort of problem?

14 A. We routinely would go and train.

15 Q. Do you recall there being a change
16 in policy or practice around this time relating
17 to school training?

18 A. No, I don't recall that.

19 Q. On the fourth page, if you can go
20 there, near the bottom, it says, "Research
21 shows that between 24 and 45 percent of
22 children killed by abuse are in families
23 already known to children protective agencies."

24 Do you see that?

25 A. Yes.

1 Q. Was that consistent with your
2 experience?

3 A. I don't know.

4 Q. And then below that, it says, "Of
5 the nine children murdered in Cuyahoga County
6 in 2009, six were in families that had at some
7 point received help from Children and Family
8 Services, according to Deborah Forkas, director
9 of the Cuyahoga County Department of Children
10 and Family Services."

11 Have they quoted you accurately
12 there or characterized what you said
13 accurately?

14 A. I don't recall.

15 Q. This is -- this is, then, the first
16 year when you were director?

17 A. I was -- I see that.

18 Q. And is that about right, that you
19 recall there being nine deaths of children and
20 two-thirds of them were in your system, so to
21 speak?

22 A. I don't recall that.

23 Q. You're quoted at the top of the
24 next page a couple of times, and it says, the
25 third paragraph, "If we reacted the way people

1 suggest that we should have done in hindsight,
2 there would such an overload of taking kids
3 into custody that people would be outraged."

4 Do you see that?

5 A. I see it.

6 Q. Is that an accurate quote?

7 A. I don't believe so. I don't know.

8 Q. What do you think you actually
9 said?

10 A. I have no idea what I actually
11 said.

12 Q. Was there --

13 A. I don't recall it.

14 Q. I'm sorry, I didn't --

15 A. I don't recall it.

16 Q. I didn't mean to step on your
17 answer. I'm sorry. Were you done?

18 A. I'm done.

19 Q. Was there some change in policy or
20 practice around this time that led to you
21 taking in less kids into custody?

22 A. Never, no. We never took less kids
23 into custody intentionally, no.

24 Q. Was there a change that led to a
25 higher percentage of cases resulting in a child

1 being taken into protective custody?

2 A. Well, it's hard to say. Any -- any
3 time you have, you know, media, it's -- it
4 has -- it certainly impacts what goes on in
5 child-welfare. I mean -- we -- we use our
6 tools that we have that the state tells us we
7 have to use. We have ways we do our business,
8 and we follow those, those rules and those -- I
9 can't -- I can't really speak to that.

10 Q. So whether the policy comes from
11 the county level, state directive, or federal
12 directive, or some other source, there can be
13 policies or practices that can affect how often
14 a child is take or how frequently a child is
15 taken into custody, correct?

16 A. Say that again.

17 Q. There are guidelines or principles
18 that determine when a children would be taken
19 into custody, right?

20 A. There's gui- -- we have guidelines
21 that we follow.

22 Q. Okay. And do you recall any change
23 to those guidelines that led to more or less
24 children being taken into custody at this time?

25 A. I don't recall that. It's hard to

1 go back after a decade almost.

2 Q. Can you go to page 9, please? The
3 middle paragraph says, "But Forkas said
4 Children and Family Services would have
5 continued supervising her," referring to the
6 mother of Arshon -- Baker?

7 A. Baker.

8 Q. -- Ms. Glass, "if they'd known
9 about the charge. The agency, however, doesn't
10 have the staff to check if the parents it
11 supervises have gotten into trouble with the
12 law," she said.

13 Do you see that?

14 A. I see that.

15 Q. Does that sound like they
16 accurately characterized what you said?

17 A. No. I don't know what I said, but
18 I can tell you I didn't say that.

19 Q. Was there some procedure in place
20 for communication with other parts of the
21 government about criminal charges or warrants
22 out for a client of your system?

23 A. We had an agreement with the
24 sheriff at the time where we -- he could run
25 reports for us if we needed -- we needed them.

1 And that was -- I can't remember. I don't
2 know -- I don't know what -- I can't -- I can't
3 cite the year that that went into place. I
4 just don't know. But I do know --

5 Q. We talked earlier about
6 communication problems that?

7 A. Uh-huh.

8 Q. -- between parts of the
9 government --

10 A. Yes.

11 Q. -- that made your job more
12 difficult. Was this one of those that you
13 didn't always get information from the
14 sheriff's department that maybe you -- you and
15 your staff would have wanted to know?

16 A. I'm not sure. It's hard for me to
17 go back. When I don't know, I -- I have to say
18 I don't know.

19 Q. Go to the -- well, let's continue
20 over so we have context. The bottom paragraph
21 of page 9, continuing to the top paragraph of
22 page 10, it says, "'That agencies don't share
23 information is a national problem,' said
24 Dr. Bruce Perry, a senior fellow at the
25 nonprofit ChildTrauma Academy in Houston."

1 And it's a quote from him. "When
2 law enforcement arrests someone, that should
3 automatically alert somebody in the child
4 protective services. It's just that very,
5 very, very, few government agencies have the
6 will or the foresight to do it."

7 Do you see that?

8 A. I see it.

9 Q. And was there something in place
10 that you got automatic alerts for child
11 protective services if somebody was arrested
12 who was a client or --

13 A. I don't recall automatic --

14 Q. -- otherwise in your system?

15 A. I don't recall automatic alerts.

16 Q. Going down the page, there's a
17 paragraph, which is the sixth paragraph. It
18 says, "Spokesman John Hairston said that while
19 Cleveland schools offered training in how to
20 spot physical abuse in the past, they no longer
21 provide it districtwide."

22 Do you see that?

23 A. I see it.

24 Q. And does that square with your
25 recollection about changes in training

1 practices?

2 A. I don't know.

3 Q. The next page, there's a quote from
4 you, under the line on page 11. It says,
5 "Forkas doesn't fault the schools, the legal
6 system or the child-welfare system. Those who
7 want to place blame, she said, should look to
8 the same two things failing so many of the rest
9 of the us: health care and the economy."

10 Do you see that?

11 A. I see it.

12 Q. Is that an accurate
13 characterization?

14 A. No, that is not an accurate -- I
15 do -- I don't recall saying this.

16 Q. What do you think you actually said
17 about any of this?

18 A. I can't -- I can't -- I can't even
19 begin to tell you, but I did not say that. I
20 don't believe I did.

21 Q. What was the impact, at this time,
22 of the economy as you recall it?

23 A. No idea.

24 Q. What was the impact, at this time,
25 of health care?

1 A. I don't know.

2 Q. There's an example right below for
3 Ms. Glass, the woman accused of murdering her
4 son that's described in the story, one of the
5 two, that says she had been on medication for
6 depression, but went off of her medication
7 because she didn't have mental health support
8 and couldn't get in for at least six months.

9 Do you see that?

10 A. Uh-huh.

11 Q. Yes?

12 A. Yes.

13 Q. Okay. Is that the sort of thing
14 that you were aware of where issues with health
15 care coverage, including mental health
16 coverage, impacted the provision of services by
17 the Division of Children and Family Services at
18 that time?

19 A. No.

20 Q. I'm sorry?

21 A. No.

22 Q. I mean, what was the sort of impact
23 of health care being available or not available
24 that impacted Children and Family Services
25 during the time you were the director?

1 A. I can't say. I don't know.

2 - - - - -

3 (Thereupon, Deposition Exhibit 3,
4 3/14/2010 Plain Dealer Guest Column
5 Titled "Cuyahoga County Department
6 of Children and Family Services
7 Needs Community's Help to Save Kids:
8 Deborah Forkas", was marked for
9 purposes of identification.)

10 - - - - -

11 Q. Here's Exhibit 3.

12 MR. McMONAGLE: Before we get to
13 Exhibit 3, does everybody want to take a lunch
14 break now or --

15 THE WITNESS: I'm fine --

16 MR. McMONAGLE: -- do you have a
17 preference?

18 THE WITNESS: -- if we take lunch
19 break.

20 MR. ALEXANDER: What time is it?

21 MR. McMONAGLE: It's, like, 10
22 after 12:00.

23 MR. ALEXANDER: I think we'll --
24 it's 12:08. I think we've been going well less
25 than an hour. I -- if -- unless it's a problem

1 for the witness or health, I would suggest we
2 go, like, at least another 20 minutes, get
3 through a couple documents, and then take a
4 lunch break at that time.

5 MR. McMONAGLE: Are you okay with
6 that?

7 THE WITNESS: No. I'd like to
8 leave. I'd like to have lunch.

9 MR. McMONAGLE: Okay. Well, let's
10 take a break now, and we'll resume after lunch.

11 MR. ALEXANDER: Okay. How long do
12 you want for lunch, then?

13 MR. McMONAGLE: Come back at a
14 little before one, 1:00?

15 MR. ALEXANDER: Yeah, I don't know
16 about the options or anything. I mean --

17 MR. McMONAGLE: They have -- I
18 think -- we can get off the record here if you
19 want.

20 MR. ALEXANDER: Well --

21 THE VIDEOGRAPHER: Off the record,
22 12:09.

23 MR. ALEXANDER: -- yeah, actually
24 we need to agree before you go off the record,
25 and that's the federal rule. But it's fine; we

1 can do this off the record.

2 MR. McMONAGLE: Yeah.

3 (Luncheon recess.)

4 THE VIDEOGRAPHER: On the record
5 12:43.

6 BY MR. ALEXANDER:

7 Q. Ms. Forkas, do you have any of your
8 testimony thus far you need to change or
9 supplement in any way?

10 A. No.

11 Q. Did you talk with any counsel
12 during the break?

13 A. No.

14 Q. Did you review any documents or
15 look at any information about anything related
16 to the substance of your testimony?

17 A. No.

18 MR. ALEXANDER: Okay. Counsel who
19 appeared on behalf of Stark County said
20 something during the break that she wanted to
21 make a statement.

22 MS. DEYNEKA: Yeah, I just wanted
23 to clarify for the record that I'm entering an
24 appearance for Summit County as well.

25 MR. ALEXANDER: Okay. And I don't

1 remember you identifying a law firm. You might
2 want to add that to your appearance as well.

3 MS. DEYNEKA: Sure. Natalie
4 Deyneka with Motley Rice.

5 MR. ALEXANDER: Yeah. I think we
6 were under the impression, from the way the
7 appearances was stated initially, not that it
8 was done in an intentionally misleading
9 fashion, that you were an employee of Stark
10 County and were appearing in the capacity in
11 relation to this witness because she's an
12 employee of Stark County, so that was my
13 misimpression. I don't know that it changes
14 anything that's happened so far, so we'll see
15 if there's some implications with any of that.

16 MS. DEYNEKA: I don't believe it
17 does. And I do believe that I introduced
18 myself accordingly at the very beginning, but
19 that's a moot point regardless, and I apologize
20 for any -- any confusion on that point.

21 BY MR. ALEXANDER:

22 Q. So, Ms. Forkas, before we go on
23 from Exhibit 2, you mentioned earlier that
24 there would have been times that you looked at
25 individual case files because of things like

1 cases that were in the press or cases where
2 there were deaths.

3 A. Uh-huh.

4 Q. Would -- would the two cases
5 discussed in Exhibit 2 be the sort of cases
6 where you looked at the case files?

7 A. On -- yes.

8 Q. And is that because the case files
9 maintained by the County are the most accurate
10 and up-to-date source of information about a
11 case?

12 A. Not necessarily. We review all --
13 every -- all information that we have from --
14 if it was -- if -- whether it was SACWIS. I
15 mean, we review everything. Not because it's
16 most the up to date. I don't know.

17 Q. Where would -- where would there be
18 information about a case?

19 A. Well, there wouldn't be. It would
20 be in the case file, but --

21 Q. Okay. So let -- let me break it
22 up, then. Okay. When you have a case that's
23 opened and you said there's a case file that's
24 opened that is maintained by the County,
25 correct?

1 A. Correct.

2 Q. And that there is also entry of
3 data, over time, into the fields that are
4 available for SACWIS, or for the predecessor
5 system, FACS, correct?

6 A. That's true.

7 Q. Okay. So let's just focus on the
8 case file versus SACWIS.

9 There wouldn't be anything in
10 SACWIS about a case that was not also in the
11 case file, correct?

12 A. I don't know that as a fact.

13 Q. Okay. Is -- would there be
14 information --

15 A. There's scanned information.

16 Q. Okay. Would there be information
17 in the case file itself that might not also be
18 in SACWIS?

19 A. Shouldn't be.

20 Q. But in terms of the way it was back
21 in 2010?

22 A. I can't -- I -- hard for me to
23 know.

24 Q. Okay. Do you have any reason to
25 believe that the information on a case in

1 SACWIS would have stuff about the case that was
2 not also in the case file maintained by the
3 County?

4 A. I don't know that.

5 Q. So when you looked at the case
6 file, as opposed to just looking at the data
7 entry in SACWIS, was that because you expected
8 that the most complete information on a case
9 would be in the case file?

10 A. No.

11 Q. Why did you look at the case file,
12 then?

13 A. We -- we just generally -- we --
14 everything that's in the case file, we
15 looked -- we would look at on a fatality, and
16 the same goes with anything that was in SACWIS.
17 They would all be read and they would be
18 printed out, anything that we felt that we
19 needed.

20 Q. Would you look somewhere else
21 besides the case file and SACWIS?

22 A. Well, we'd also interview workers.
23 We'd do -- it was a comprehensive, deep dive
24 that we would take, so there would be lots of
25 interviews.

1 Q. The interviews that would be done
2 in a situation like this, where would those be
3 memorialized?

4 A. Should be in -- well, it's a good
5 question. I'm not sure where.

6 Q. So like --

7 A. I don't know that I recall that.

8 Q. -- on the Arshon Baker case?

9 A. Yeah.

10 Q. Maybe it's under the mother's name
11 for the Glass case, one of the two in
12 Exhibit 2. For that one, when interviews were
13 done of people involved in handling the case,
14 would there be memos written up on those
15 interviews and then put into the case file?

16 A. It's possible.

17 Q. Was there any place in SACWIS for
18 putting in memos like that?

19 A. You know, I don't recall that. I'm
20 sorry. I just don't re- -- I don't recall back
21 then.

22 Q. But if there was further
23 investigation, including an internal
24 investigation or some sort of --

25 A. Yes.

1 Q. -- periodic evaluation of the
2 function, that would have to go into the case
3 file and be maintained in that way, correct?

4 A. It would.

5 Q. And it may or may not have been
6 entered into SACWIS?

7 A. Potentially.

8 Q. And sitting here today, you're not
9 aware of anything that required that sort of
10 information, a memo of an interview with an
11 employee to be entered into SACWIS?

12 A. I don't know that.

13 Q. Okay. In this case, neither of
14 these deaths were related to opioid or opiate
15 abuse, correct?

16 A. To my knowledge, yes.

17 Q. Okay. There's, I mean, fairly
18 extensive discussions of these, and there was a
19 lot of media attention to these particular
20 deaths, and there's nothing in any of them that
21 says that these had anything to do with anybody
22 being addicted or abusing opioids or opiates,
23 correct?

24 A. I don't know that. I don't recall.

25 Q. Sitting here today, you have no

1 reason to believe that either of these deaths
2 had anything to do with opioids or opiates
3 correct? The child deaths?

4 A. Again, I don't know that.

5 Q. Okay. Do you know if any of the
6 nine deaths in the first year where you were
7 director of Cuyahoga County Children and Family
8 Services had anything to do with opioids or
9 opiates?

10 A. I don't recall.

11 Q. Exhibit 3, again there's a -- there
12 are two copies for the various Plaintiffs'
13 counsel as well -- is another piece that
14 appeared in the Plain Dealer, March 14, 2010,
15 and you're described as the author, said to be
16 a guest columnist.

17 Do you see that?

18 A. I do see that.

19 Q. Do you remember writing a -- a
20 letter to the paper, some sort of statement
21 that was going to be published under your name
22 back in March of 2010?

23 A. I do.

24 Q. Do you remember that going through
25 some sort of internal screening process with

1 lawyers and staff of Cuyahoga County before it
2 got published in the paper?

3 A. I don't remember.

4 Q. Did you just do it on your own and
5 nobody knew about it or --

6 A. No.

7 Q. -- was this an official thing?

8 A. I don't recall. I just don't
9 recall.

10 Q. Okay. But you remember doing this?

11 A. I -- well, I remember talking about
12 this, yes.

13 Q. Okay. So these are your words and
14 they printed them verbatim?

15 A. It's possible.

16 Q. And if something appeared under
17 your name as a guest columnist and said that
18 you were the director of the Cuyahoga County
19 Department of Children and Family Services and
20 had been inaccurate, don't you think there
21 would have been some followup on that?

22 A. I would hope. I think it was a
23 letter to the editor.

24 Q. Okay. Have you done other letters
25 to the editor to discuss any other cases?

1 A. Not in Cuyahoga.

2 Q. Okay. You have in other
3 capacities?

4 A. I don't believe so.

5 Q. So is this the only time you wrote
6 a letter to the editor?

7 A. I think it may be.

8 Q. Do you recall anything about how
9 this came to be finalized before it was
10 submitted?

11 A. No.

12 Q. Okay. So Exhibit 3 starts off with
13 your name, "Special to The Plain Dealer," and
14 then it says, "Over that the past few weeks,
15 Cleveland media have been focusing on two
16 recent child deaths and the role of the
17 Cuyahoga County Department of Children and
18 Family Services, an agency that I oversee."

19 Do you see that?

20 A. I see it.

21 Q. "At times, the coverage has been
22 fair and accurate, but some was also
23 misinformed, biased, and sensational."

24 Do you see that?

25 A. I see it.

1 Q. "Much about our agency's work has
2 been misunderstood in recent news coverage.
3 First, children's safety is our top priority,
4 but our workers don't have crystal balls. We
5 rely on calls and tips from the police or
6 neighbors, teachers, or family members to learn
7 of children in trouble. If we find clear and
8 imminent danger, we seek an immediate order
9 from the juvenile court to remove the children
10 from abusive parents and place them in child
11 protective services."

12 Do you see that?

13 A. Yes.

14 Q. Did I read that right?

15 A. Yes.

16 Q. I'm not going to go through the
17 whole part of it, the whole, you know, line by
18 line. But the gist here is that it is
19 difficult to do children's services to make
20 sure that every child is protected as you would
21 want them to be, and that there are a number of
22 factors going on, in general, and at this time
23 in history in particular, that made the job
24 more difficult, correct?

25 A. Correct.

1 Q. So there's a description at the
2 bottom of the second page. It says, "Last
3 year, nearly 32,000 calls came into our hotline
4 alone. We launched more than 9,300
5 investigations. We served more than 70,000
6 children, about as many people as Cleveland
7 Browns Stadium holds."

8 Do you see that?

9 A. I see it.

10 Q. And do you know where those stats
11 would have come from?

12 A. I don't recall.

13 Q. And was that typical that less than
14 a third of calls would result in an
15 investigation?

16 A. It's po- -- it's possible.

17 Q. And this 70,000 children in a year,
18 was that high or low for the division?

19 A. I couldn't tell you. I don't know
20 that answer.

21 Q. Did you look at factors or trends
22 that might drive the numbers of calls, the
23 numbers of investigations, the number of
24 children per investigation, that sort of thing?

25 A. You know, to be honest with you, I

1 don't really recall. This was eight years ago.

2 I don't really recall.

3 Q. Okay. The next paragraph says,
4 "More than 75 percent of our caseload involves
5 single mothers. Both of the mothers arrested
6 in the two recent child deaths had just lost
7 their jobs. One suffered from depression and
8 could no longer afford her medication, so she
9 stopped taking it. She went to a mental health
10 clinic, but was told she would have to wait six
11 months to get help. In both cases, the city's
12 social safety net failed."

13 Do you see that?

14 A. I see it.

15 Q. The first part about 75 percent of
16 the caseload involves single mothers, why was
17 that relevant to point out?

18 A. Because I thought it was relevant,
19 I guess.

20 Q. And is that high or low, in your
21 experience, compared to other parts of the
22 country?

23 A. I think it's about average. Not
24 sure.

25 Q. And what about this thing about

1 people losing their job? What, in your
2 experience, does it have to do with the burden
3 on Children and Family Services, having parents
4 lose their jobs?

5 A. Well, if they lose their jobs, they
6 lose their way to support themselves. I mean,
7 for obvious reasons, you know, they -- they
8 don't have the money to support themselves or
9 their children. So they always -- they
10 don't -- we won't always know what's going on
11 in the household, nor do we know that they've
12 lost their job.

13 Q. So at times of high unemployment in
14 the county, there tends to be a high burden on
15 Children and Family Services?

16 A. I suspect that. I don't know that
17 as a fact. I haven't seen the data to prove
18 that.

19 Q. And there's a discussion here about
20 mental health clinic. We went over that a
21 little bit in the prior article.

22 A. Right.

23 Q. And is it your experience that
24 there are times when it's hard for parents to
25 get -- collectively, get mental health support

1 or other health care, and that that affects the
2 burden on Children -- Children and Family
3 Services?

4 A. I would say yes.

5 Q. The next paragraph says, "Mental
6 illness and substance abuse are our biggest
7 challenges. If a neglectful mother is a drug
8 user, her children are usually sent to another
9 family member or into foster care while she
10 gets help."

11 "When a mother can demonstrate that
12 she has completed a treatment program and has
13 her life together, you can then focus on
14 reunification, along with several months of
15 monitoring by our workers. Only if she is
16 fully drug free and there are no instances of
17 abuse or neglect can the case be closed."

18 Did I read that right?

19 A. Yes.

20 Q. The statement in here about
21 substance abuse and mothers who were drug
22 users, was -- was that focused on any
23 particular substance or drug or all drugs and
24 substances?

25 A. I think it was in general.

1 Q. And over this time, were you and
2 your department also tracking the --
3 essentially the burden in individual cases or
4 across your cases of the types of drugs that
5 people were abusing or the substance of abuse
6 that was most prevalent?

7 A. I don't know if we at that time --
8 during this time when this was written. I
9 don't know. I don't recall.

10 Q. What about overall when you were
11 director of Cuyahoga County Children and Family
12 Services? Were you looking at, essentially
13 the -- which drugs of choice or substance of
14 abuse were most common?

15 A. Well, we -- how we were tracking
16 that, you were saying?

17 Q. Yes.

18 A. Well, I don't know that we were --
19 were tracking it in a -- in a very good way.

20 Q. Over your -- over your time in the
21 field, has there been better tracking of things
22 like which drug or substance is driving a case
23 or a participant, a client, is actually
24 abusing?

25 A. Well, now, it's better. I mean, we

1 have places in SACWIS to document things. We
2 can document things in different ways. There's
3 been more roles that have been promulgated to
4 how we are supposed to document. We didn't
5 have a lot of that at the time.

6 Q. And that's changed over time?

7 A. That's changed over time.

8 Q. So there's better documentation in
9 general of which substances involved in a case,
10 were driving the need for Children and Family
11 Services now, than there was back in 2010?

12 A. I would say yes. I mean, it's not
13 a perfect system though.

14 Q. So one of the things that you get
15 when you have a change in how often drug of
16 choice is or how well drug of choice is tracked
17 is you can make it look like there's a new
18 problem with a drug that is just because
19 they're tracking it better, right?

20 A. Right, correct.

21 Q. And so when we look back at any of
22 the historic data from SACWIS about drug trends
23 or, you know, drugs being involved in a
24 different Children and Family Services case, we
25 have to take into account that how they tracked

1 the drug of choice or substance of choice, may
2 have changed over time, right?

3 A. I don't know that as a fact, but it
4 may be true. It may not be. I don't know.

5 Q. I mean, given your position as
6 director of or assistant director of three
7 different Ohio counties over the time period
8 when SACWIS has been in place, that's your
9 experience, right?

10 A. I have some experience with that,
11 but I don't know if that's true on all these
12 cases.

13 Q. If you could just look through to
14 the next page, it's page 4, first full
15 paragraph says, "But we face terrific odds. In
16 2008, even before the recession hit, 42 percent
17 of Cleveland children lived in poverty and 65
18 percent were in single-parent families. Among
19 50 American cities, only Detroit was worse.
20 Now, the recession, state budget cuts, high
21 unemployment, rising homelessness and poverty,
22 and a shortage of support services such as
23 mental health care mean it's harder every day
24 for our agency alone to protect children."

25 Did I read that right?

1 A. You read it right.

2 Q. Is there any part of that that you
3 disagree with?

4 A. No.

5 Q. And can you explain why you thought
6 that the percentage of children in poverty was
7 relevant to the burden on Children and Family
8 Services?

9 A. I can't explain that.

10 Q. What -- why is the percentage of
11 children in single-parent homes relevant to the
12 burden on Children and Family Services?

13 A. I can't say.

14 Q. Why was it important that Cleveland
15 was 49 out of 50 in terms of these parameters
16 of percentage of children living in poverty and
17 single-family homes?

18 A. I don't know that.

19 Q. I mean, are those good or are those
20 bad numbers?

21 A. I can't respond to your question.
22 I'm sorry. I don't know.

23 Q. Do you want the percentage of
24 children living in poverty to be lower than 42
25 percent or higher?

1 A. I like children not to live in
2 poverty.

3 Q. Okay. So the impact of the
4 recession, state budget cuts, and high
5 unemployment, can you explain what you thought
6 those were on Children and Family Services for
7 Cuyahoga County?

8 A. I can't explain it.

9 Q. What about rising homelessness and
10 poverty and a shortage of support services,
11 such as mental health care? Why did you think
12 those were relevant to an impact on Children
13 and Family Services of Cuyahoga County?

14 A. Well, the people that need mental
15 health care and they can't -- and they're
16 having difficulty getting it, obviously it's
17 important --

18 Q. What about --

19 A. -- for them to get services.

20 Q. What about rising homelessness and
21 poverty? Why were those relevant?

22 A. Well, people that are
23 homeless sometimes -- it depends. But
24 sometimes they're -- you know, they're
25 obviously living in poverty at the same time if

1 they're homeless, generally speaking. And
2 there's a shortage of services.

3 Q. And how does -- how does
4 homelessness play into how easy it is or
5 difficult it is to fulfill the mission of
6 Children and Family Services in an individual
7 case?

8 A. Well, it makes it difficult to
9 track parents, where they are, if they're
10 active with us, because they move, they surf
11 from place to place, so it's difficult to -- to
12 track them and know where they are and who
13 they're -- what they're doing, you know.

14 It's -- it's more work, because we
15 can't -- we have to check at the schools to see
16 if the kids are in school. We have to, you
17 know, there's duplicate work, trying to find
18 them. Are children being taken care of? Who
19 are they with. There's lots of reasons.

20 Q. These issues identified here, of
21 children living in poverty, state budget cuts,
22 overall economic conditions, high unemployment,
23 rising homelessness, shortage of support
24 services, were those only present in 2009 and
25 early 2010, or were those present throughout

1 the time that you were director?

2 A. Well, I think that there're --
3 there're always -- yeah, let me -- just, can I
4 have the question again, will you, please?

5 Q. Sure.

6 A. I just want --

7 Q. The factors that we just went
8 over --

9 A. Yeah, I understand.

10 Q. -- in this paragraph, children
11 living in poverty, increasing homelessness,
12 budget crisis, unemployment, et cetera, can you
13 explain if those were just a problem at the
14 time that you wrote this or if those continued
15 to be a problem in Cuyahoga County, going
16 forward, throughout the time that you were
17 director?

18 A. I think that they continued and
19 moved forward. I mean, I -- I think that these
20 are problems that people have that are
21 universal and in most places.

22 Q. And your experience is those
23 continued to be a problem in Cuyahoga County
24 for several years after you wrote this?

25 A. I believe that was the case.

1 Q. And so the -- to do -- before you
2 did this letter to the editor, you would have
3 read those case files, correct? On the
4 individual cases, of deaths?

5 A. Yes.

6 Q. Okay. Maybe this is -- is obvious,
7 but the way it works is when information comes
8 in, as a file is being opened, the first place
9 it goes, the first place something is written
10 down or memorialized, is in the case file,
11 correct?

12 A. Uh-huh.

13 Q. That's the most --

14 A. Yes.

15 Q. -- contemporaneous --

16 A. Yes.

17 Q. -- information?

18 And SACWIS may be entered with some
19 kind of lag?

20 A. Maybe. Maybe not. Depends on the
21 worker.

22 Q. Right.

23 A. It's really worker-focused, so
24 there could be a plethora of information.

25 Q. And the variability, in terms of

1 data entry practices that you're aware of when
2 you held the position of director for Cuyahoga
3 County, was something that was discussed and
4 tried to be addressed through additional
5 training and practice modification, correct?

6 A. We tried. We tried.

7 Q. I mean, in general, you want as
8 contemporaneous data entry as possible, because
9 the later data gets entered, including years
10 later from some sort of retrospect review of
11 the case file, you create problems of accuracy,
12 correct?

13 A. I don't know that to be the case.

14 Q. That's why you --

15 A. I mean, you say that, but I don't
16 know if --

17 Q. Well, isn't that why you encourage
18 contemporaneous or close-in-time recording of
19 data into databases as opposed to just going
20 back years later and trying to pull out
21 information and add it in?

22 A. Well, I don't know that's what we
23 did.

24 Q. I -- I know. That's why you -- let
25 me ask it this way. The reason why one would

1 prefer contemporaneous data entry is because
2 it's most likely to be accurate as opposed to
3 relying on periodic retrospective, maybe even a
4 year or years later, adding of information,
5 right?

6 A. I don't know that.

7 Q. Did you ever ask people to go back
8 and add data that hadn't been added before?

9 A. No.

10 Q. Did you ever --

11 A. Well, that's not true. There were
12 times where there were things that were missing
13 in files where we had the workers go back
14 and -- and -- and write what had occurred
15 and -- with notes in the files.

16 Q. So during --

17 A. I think -- I think there -- I think
18 there was a case or two where there were --
19 there was some glaring things that were
20 missing.

21 Q. Were you with Stark County when the
22 statewide case splits happened?

23 A. No.

24 Q. Was that when --

25 A. With Stark?

1 Q. Yes.

2 A. Well, when did it happen?

3 Q. A couple of years ago.

4 A. Well, yeah, I guess I would have
5 been, because I've been there five years.
6 We're going on five years, so.

7 Q. Do you ever remember a time when
8 there was an effort across the state to
9 basically update information in SACWIS, focused
10 on drug of choice?

11 A. No.

12 Q. Okay. Do you remember ever -- any
13 times when there were kind of initiatives or
14 blitzes to try to improve the accuracy --

15 A. Yes.

16 Q. -- of information in SACWIS?

17 A. Yes.

18 Q. Okay. And that sometimes involves
19 going back to old files and adding information
20 that was not added contemporaneously, right?

21 A. It could be.

22 Q. And if people were always adding
23 the information contemporaneously, you would
24 never need to do that?

25 A. True.

1 Q. So the fact that there have been
2 these statewide blitzes and initiatives means
3 that contemporaneous data entry has not always
4 been so good in SACWIS?

5 A. Could be.

6 Q. That makes sense, right?

7 A. I don't know.

8 Q. Okay.

9 - - - - -

10 (Thereupon, Deposition Exhibit 4,
11 8/15/2010 Plain Dealer Article
12 Titled, Cuyahoga Children Services
13 is Due a Thorough Inquiry, But That
14 Would Require a Panel That's Truly
15 Independent: Editorial", was marked
16 for purposes of identification.)

17 - - - - -

18 Q. Exhibit 4 is another Plain Dealer
19 article, this one from the editorial board,
20 from August 15, 2010. And it's title is,
21 "Cuyahoga Children Services is due a thorough
22 inquiry, but that would require a panel that's
23 truly independent."

24 Do you see that?

25 A. Yep.

1 Q. And this is referring to a panel of
2 specialists that you had convened to try to
3 address some of the issues that were going on
4 under you, correct?

5 A. Myself and Case Western Reserve and
6 a number of other entities.

7 Q. But are you the one who came up
8 with the idea of convening a panel?

9 A. Actually Jim McCafferty and I did.

10 Q. And what was his position?

11 A. He was the county administrator at
12 the time.

13 Q. Do you recall any discussions that
14 led to this, between you and Mr. McCafferty?

15 A. No.

16 Q. Were there documents memorializing
17 those conversations?

18 A. No. It was a conversation. But we
19 had been -- we had done blue ribbon panels
20 prior on this --

21 Q. On what?

22 A. -- historically, as an agency.
23 On these kind of issues, I believe.

24 Q. What about any blue-ribbon panels
25 to look at anything about substance abuse or

1 the way that Children and Family Services
2 addressed issues of substance abuse in the
3 community?

4 A. Not that I'm aware of.

5 Q. Do you remember this editorial?

6 A. I do not.

7 Q. Exhibit 4?

8 A. I do not. Oh, yes, I do remember
9 this.

10 Q. Yeah, I --

11 A. Yeah.

12 Q. -- think you will.

13 A. I will. I remember it.

14 Q. So it says that -- it describes the
15 process of appointing a panel as a
16 quote-unquote stacked process.

17 Do you see that?

18 A. Uh-huh. Uh-huh, yes.

19 Q. And that's not a nice description,
20 right?

21 A. No.

22 Q. It continues below, then, and
23 talking about the six deaths of children in the
24 system, meaning -- it's describing them as
25 killed, not accidental deaths, but children

1 where it was some degree of homicide, "has sent
2 up a red flag. So have mandated budget cuts
3 and the changes in internal procedures that
4 have caused the county Department of Children
5 and Family Services to narrow its protections
6 by placing fewer children in foster care."

7 Do you see that?

8 A. I don't see that.

9 Q. Bottom paragraph on the first page,
10 ma'am.

11 A. Sorry. I got ahead of myself.
12 Yes.

13 Q. Do you see what I've just read?

14 A. Yep.

15 Q. Okay. Do you know what's being
16 discussed here about mandated budget cuts?

17 A. I can read it.

18 Q. But do you know what it's
19 referencing? What mandated budget cuts
20 affected your department?

21 A. Well, I don't know exactly what
22 they're referring to.

23 Q. What about changes in policies that
24 caused you to narrow protections by placing
25 fewer children in foster care?

1 A. That's untrue. Completely untrue.
2 Every child that needed to be in foster care
3 was in foster care.

4 Q. Were there any changes in policies
5 that affected the frequency of --

6 A. No.

7 Q. -- placing kids?

8 A. No, there were not.

9 Q. The second page, "The scope of the
10 problem suggests just -- not just isolated
11 mistakes but systemic dysfunction, managerial
12 myopia, and lax oversight. Case in point:
13 Children services chief Deborah Forkas'
14 ill-thought-out order to fingerprint adults in
15 homes from which children are removed - an
16 order that the department is just as hastily
17 reconsidering."

18 Any idea what that's about?

19 A. No idea.

20 Q. In any way -- event, this
21 description of you is not flattering, correct?

22 A. No, it's not flattering.

23 Q. It says, "This page has been
24 calling since May for the well-meaning but
25 overwhelmed Forkas to be replaced, for the good

1 of the children and the department."

2 Is that a fair characterization of
3 what was going on in the press over the prior
4 five months?

5 A. I don't believe so, but they have
6 their opinions.

7 Q. "Her supervisors repeatedly have
8 ducked that step, saying they first want the
9 expert task force to complete its review,
10 expected in mid-September."

11 Do you see that?

12 A. I see it.

13 Q. And so it actually -- it was
14 completed in mid-Dec- -- mid-October, and that
15 the decision was made to replace you within a
16 month or two after that, correct?

17 A. Correct.

18 Q. The next paragraph talks -- the
19 last sentence in the next paragraph says, "The
20 30-member panel was basically pulled together
21 by Forkas, her staff, and supervisors."

22 Do you think that's an accurate
23 statement?

24 A. No, I do not think that's an
25 accurate statement.

1 Q. "No wonder the task force's interim
2 findings outlined last week identified not a
3 single deep-seated problem requiring
4 significant changes in policies and procedures,
5 and no wonder the department itself has found
6 no safety problems so far in its internal
7 review of 122 cases in which young children in
8 custody were reunited with their families."

9 Do you see that?

10 A. I see it.

11 Q. Do you know what this internal
12 review about 122 cases was about?

13 A. I don't recall.

14 Q. Was that something where there was
15 some documentation generated?

16 A. I'm not -- I don't know. I'm not
17 sure.

18 Q. Would that have looked at the role
19 of any substance abuse in connection with any
20 of these 122 cases?

21 A. I don't know.

22 Q. To do that kind of internal review
23 of 122 cases, somebody would have had to have
24 looked at the case files, right?

25 A. It would appear.

1 Q. Next sentence says, "On Friday came
2 news that the task force has not been allowed
3 to see the files on the very cases that
4 triggered its formation."

5 Do you see that?

6 A. I see it.

7 Q. Is that true?

8 A. I don't believe so.

9 Q. So the task force was allowed to
10 look at the confidential case files --

11 A. I believe they were.

12 Q. -- on the deaths in --

13 A. I believe --

14 Q. -- article two?

15 A. I believe we opened them up. I
16 thought we did. David Crampton was the
17 professor that over-looked this.

18 Q. It would make sense, from your
19 perspective, if anybody wanted to get the full
20 information about what went on in any given
21 case, including the role of substance abuse or
22 mental health care being provided or whatever,
23 they would need to look at the case files?

24 A. I would imagine.

25 - - - - -

1 (Thereupon, Deposition Exhibit 5,
2 10/14/2010 Plain Dealer Article
3 Titled "Child-Welfare Panel Says
4 Cuyahoga County Agency Needs to
5 Improve Services and Practices", was
6 marked for purposes of
7 identification.)

8 - - - - -

9 Q. This is the last article.

10 Exhibit 5 is from October 14, 2010, again from
11 the Plain Dealer. It's titled, "Child-welfare
12 panel says Cuyahoga County agency needs to
13 improve services and practices."

14 There's a picture of you on the
15 first page, right?

16 A. Yep.

17 Q. A couple of years ago?

18 A. A couple of years ago.

19 Q. And do you recall this article,
20 Exhibit 5?

21 I'm sorry. I don't know if I got
22 an answer. Do you recall this article at all?

23 A. I -- I believe I do. Parts of it.
24 It looks familiar.

25 Q. It says, "A review panel Wednesday

1 called on the Cuyahoga County child-welfare
2 department to improve the way it manages
3 high-risk families, but it also put
4 responsibility on the community and the next
5 county government to keep children safer."

6 Do you see that?

7 A. I see it.

8 Q. Top of the second page, it says,
9 "The panel appointed by Director Deborah Forkas
10 issued 12 pages of recommendations, which deal
11 in large part with beefing up services to
12 combat threats to children from domestic
13 violence, substance abuse, and mental illness."

14 Do you see that?

15 A. Yes.

16 Q. And we'll go over their
17 recommendations, but your testimony is that you
18 don't recall this leading to any changes with
19 regards to anything about substance abuse,
20 correct?

21 A. I don't know that it did.

22 Q. Didn't while you were in charge?

23 A. Right.

24 Q. "The presentation to an audience of
25 nonprofit social services providers contained

1 criticisms that the agency has not done enough
2 to address children" -- I'm sorry -- "risks to
3 children, such as engaging mental health and
4 addiction experts in cases. But the event was
5 also part pep rally to solicit help from
6 outside the county bureaucracy."

7 Do you see that?

8 A. I see it.

9 Q. Were you at that meeting, the
10 presentation to an audience?

11 A. I think I may have been. I'm not
12 sure.

13 Q. Then there's a quote attributed --
14 I'm sorry. There's a quoted attributed to
15 David Crampton about you. It says, "'It's not
16 about the department. It's not about Deborah
17 Forkas,' said David Crampton, the panel
18 chairman and an associate professor of social
19 work at Case Western Reserve University. 'It's
20 about all of us working together to protect our
21 children.'" Do you see that?

22 A. Yes.

23 Q. Does that sound like the sort of
24 thing that Mr. Crampton was saying at the time?

25 A. I don't know.

1 Q. "Since" --

2 A. No idea.

3 Q. It continues, "Since early this
4 year, Forkas and her department have come under
5 question after two children were killed and two
6 others were starved nearly to death despite
7 involvement by the county agency."

8 Do you know what's mentioned here
9 about two children almost starving to death?

10 A. Two brothers, yes.

11 Q. And did that having anything to do
12 with substance abuse, that case?

13 A. I don't remember.

14 Q. Did you look at the records on that
15 case?

16 A. I don't recall.

17 Q. "In addition to these highly
18 publicized cases, at least four other children
19 known to the department were killed since
20 2009."

21 And would you have looked at the
22 case files on each of those cases involving a
23 child death?

24 A. Possibility yes.

25 Q. But the -- the case file itself is

1 where you would look for information?

2 A. SACWIS and the case file.

3 Q. Never just SACWIS alone?

4 A. No.

5 Q. The article continues, "Fingers
6 weren't pointed at Forkas at the meeting, but
7 instead at economic conditions that have
8 heightened family problems and risks to
9 children."

10 Do you see that statement?

11 A. I see it.

12 Q. And is that consistent with your
13 recollection that economic conditions were a
14 major driver of the problems?

15 A. I don't recall that.

16 Q. "Forkas herself acknowledged in
17 prepared remarks that problems for parents and
18 children, 'are much more serious than we
19 assumed - and that includes myself, other
20 county managers, our staff and contract
21 agencies.'"

22 Do you see that?

23 A. I see it.

24 Q. Sound like something you said at
25 that conference?

1 A. Possibly.

2 Q. So I guess you were there?

3 A. I guess I was.

4 Q. If you were giving remarks, you had
5 to be there, right?

6 A. I assume so.

7 Q. It looks, from context, like this
8 is a continuation of a quote from you. "I
9 believe we all underestimated the toll that the
10 economy has taken on children and families in
11 Cuyahoga County."

12 A. Uh-huh.

13 Q. Is that a quote that you gave?

14 A. I don't --

15 Q. A statement that you gave?

16 A. I don't know. I don't recall it.

17 Q. Do you recall having the belief
18 that the county, including the Department of
19 Children and Family Services, underestimated
20 the toll the economy has taken on children and
21 families in Cuyahoga County?

22 A. Say it again. I'm sorry. Would
23 you repeat it, your question?

24 Q. Do you recall having the belief, at
25 that time, that the county, including the

1 Department of Children and Family Services, had
2 underestimated the toll that the economy has
3 taken on children and families in Cuyahoga
4 County?

5 A. It's possible.

6 Q. It continues, "Forkas drew a
7 comparison of herself to John Mattingly, the
8 child-welfare director in New York who dealt
9 with a series of child deaths soon after taking
10 the job." And then there's some further quote
11 from you about that.

12 Does that ring any bells for you?

13 A. No.

14 Q. And it talks about this individual
15 in New York, "'successfully weathered the
16 storm' after adopting recommendations from a
17 panel similar to the Cuyahoga group."

18 Does that ring a bell?

19 A. No.

20 Q. It doesn't do much good to have a
21 group make a bunch of recommendations and not
22 adopt them then, does it?

23 A. No.

24 Q. I'm sorry. I didn't hear your
25 answer.

1 A. No.

2 Q. "Forkas noted the tragedies in
3 Cuyahoga began a few weeks after she became
4 director in January 2009. She said she would
5 enact all of the panel's 72 recommendations to
6 improve services and practices."

7 Do you see that?

8 A. I see it.

9 Q. Do you recall saying that?

10 A. I don't.

11 Q. "But some, such enhanced services
12 after children are returned to their parents'
13 custody, will take money the department doesn't
14 have. A number of services have been lost to
15 budget cuts over the past few years."

16 Does that sound like a discussion
17 that was being had at the time?

18 A. I don't recall it.

19 Q. When the panel made its
20 recommendations, do you recall any discussions
21 that you had within your staff or within the
22 county government about how this would take
23 additional funding that you guys didn't have?

24 A. I don't remember.

25 Q. It continues on the top of the next

1 page, "Participants Wednesday," meaning the
2 presentation we were just going over, "were
3 clearly trying to send a message to candidates
4 for county executive, one of whom will assume
5 the new office in January."

6 That ended up being Mr. FitzGerald,
7 correct?

8 A. Uh-huh, yes.

9 Q. "Mary Boyle, a former county
10 commission and member of the task force, urged
11 the audience to press hopefuls on whether they
12 will increase money for child-welfare
13 services."

14 Do you see that?

15 A. I see it.

16 Q. And is it your understanding that
17 money for child-welfare services did not
18 increase in early 2011 or 2012 or '13 or '14 or
19 '15 or '16, for years after this?

20 A. I don't -- I don't know. I don't
21 think that happened.

22 Q. I'm sorry?

23 A. It did not happen.

24 Q. All right. And -- and the details
25 of whether money ever came through, your

1 successors, like Ms. Rideout, would know more
2 about that, right?

3 A. I would assume so.

4 - - - - -

5 (Thereupon, Deposition Exhibit 6,
6 6/22/2009 E-Mail from James
7 McCafferty Re: 2009 Budget
8 Incentive, with Attachment,
9 CUYAH_002794109 to 002794111, was
10 marked for purposes of
11 identification.)

12 - - - - -

13 Q. So going back to some documents
14 that were produced by Cuyahoga County that have
15 your name on them, this is Exhibit 6. There
16 are two copies there for the Plaintiffs'
17 lawyers.

18 THE WITNESS: Sorry.

19 Q. Exhibit 6 is a document with the
20 Bates range CUYAH_002794109 through 111, and it
21 is an e-mail with attachments from June 29,
22 2009. The sender is James McCafferty, the
23 Cuyahoga County administrator.

24 And you just mentioned him, right?

25 A. I did.

1 Q. Okay. In terms -- your mention of
2 him was about discussions about --

3 A. The panel.

4 Q. -- enacting the panel and --

5 A. Yes.

6 Q. -- what we're to do with it,
7 correct?

8 A. Yes.

9 Q. And do you see on, like, the fourth
10 line -- I'm sorry, the fifth line of
11 recipients, that you're one of the recipients
12 of this e-mail?

13 A. I see it.

14 Q. And the subject is "2009 Budget
15 Incentive," correct?

16 A. Correct.

17 Q. And then there is a memo attached
18 to this from Mr. McCafferty to, quote, "Elected
19 Officials and Department Directors," with the
20 same subject line, 2009 Budget Incentive.

21 Do you see that?

22 A. Yes.

23 Q. It says here that, "In 2008,
24 agencies were notified that an incentive may be
25 awarded to those agencies that were able to end

1 the year with a budget surplus. Despite the
2 \$27.3 million deficit in the General Fund
3 (including the levies) that was projected at
4 1st quarter, we are committed to providing
5 these incentives to reward those agencies that
6 were able to identify a cost saving measure in
7 2008."

8 Does this ring a bell at all of
9 what was going on in terms of budget?

10 A. Yes.

11 Q. Can you characterize what was going
12 on?

13 A. Mr. McCafferty was incentivizing
14 people who had additional money that wasn't
15 spent in their budgets, or -- and he gave an
16 incentive if people could come up with ways to
17 work smarter, better. He would -- he was
18 planning on incentivizing.

19 Q. So at the time there's an overall
20 major budget deficit, he's saying if individual
21 departments can somehow show a surplus, they
22 will get some sort of benefit going forward?

23 A. I referred to this before when I
24 was talking to you, if you'll recall, about the
25 placements. That was an area.

1 Q. The --

2 A. I'm sorry.

3 Q. I'm sorry. Go ahead.

4 A. I was going to say something else,
5 but I'm not going to.

6 Q. So the end of the first paragraph
7 says, "Attached, please find a list of agencies
8 that earned the incentive."

9 If you go to the next page, do you
10 see the list? Is -- is your agency there?

11 A. Yes.

12 Q. Is that list --

13 A. Oh, sorry. Sorry. No. Sorry.

14 Q. It says "Child Support."

15 A. I was looking at the wrong sheet.

16 Q. You see "Child Support" listed. Is
17 that your agency?

18 A. No, uh-uh.

19 Q. So you -- you guys didn't get the
20 incentive from 2008?

21 A. This is interesting. We did get
22 some money.

23 Q. Okay. So go back to the -- the
24 first page of the memo --

25 A. I'm there.

1 Q. -- where the memo --

2 It says, "Given the current fiscal
3 climate and in light of the fact that we don't
4 yet know what the full impact of the State's
5 budget crisis will be on the County, it is
6 uncertain whether the incentive program will
7 continue in 2009."

8 Do you see that?

9 A. Yes.

10 Q. Do you recall what was going on in
11 terms of the state budget crisis in 2009?

12 A. I don't.

13 Q. Do you recall that there was a
14 state budget crisis?

15 A. I don't recall that.

16 Q. As you understand the terms, would
17 a state budget crisis have an impact on the
18 money that was available for Children and
19 Family Services to carry out its function?

20 A. I would think so, but I don't know
21 that as a fact.

22 Q. Okay.

23 - - - - -

24 (Thereupon, Deposition Exhibit 7,
25 10/13/2010 E-Mail from Regina

1 Thigpen Re: Message to All DCFS
2 Employees, with Attachment,
3 CUYAH_003428644 to 003428669, was
4 marked for purposes of
5 identification.)

6 - - - - -

7 Q. Do you have other testimony about
8 that document?

9 A. No.

10 Q. Okay. Exhibit 7, this is an e-mail
11 with attachments, CUYAH_003428644 through 69.
12 And the original e-mail in here is October 13,
13 2010, from Regina Thigpen, who was your
14 administrative assistant or secretary?

15 A. Yes, she was. Yes.

16 Q. To a variety of people, essentially
17 on your behalf, correct?

18 A. Uh-huh, yes.

19 Q. And so this is a message to all
20 DCFS employees; is that correct?

21 A. That's correct.

22 Q. And so this is, like, a -- some
23 sort of distribution list? That's what's on
24 the "to" line here?

25 A. Must be.

1 Q. And so the attached document, if
2 you go to the second page, is a memo that is
3 from the Cuyahoga County Department of Children
4 and Family Services, with you as the director,
5 to all DCFS employees, again dated October 13,
6 2010. Do you see that?

7 A. I see that.

8 Q. And this essentially talks about
9 that the panel report has come out and is being
10 circulated, correct?

11 A. Correct.

12 Q. So this squares with the media
13 account that we were just going over --

14 A. Yes.

15 Q. -- in an exhibit a little bit ago
16 that talks about a presentation on Wednesday
17 that was right before the article came out?

18 A. Yes.

19 Q. Okay. And so then there is a
20 document that's attached here that starts on
21 the Bates range ending in 46 that's entitled
22 "Final Report from the Practice Review and
23 Improvement Panel."

24 Do you see that?

25 A. I see it.

1 Q. And then, if you go forward to the
2 Bates number starting with 58, there is another
3 document that says, "Practice review and
4 improvement panel, David Crampton, Ph.D.,
5 chair, recommendations for Cuyahoga County
6 Department of Children & Family Services," with
7 the same date, October 13, 2010.

8 Do you see that?

9 A. No.

10 Q. Are you there?

11 A. Got it.

12 Q. So do you know the difference
13 between the first attachment that's described
14 as the final report versus the document of the
15 same date that says that it comes from
16 Mr. Crampton?

17 Do you have my question in mind,
18 ma'am?

19 A. No, I'm trying to just read it.

20 Q. Okay. Do you know what the
21 difference is between the two attachments? Are
22 they both generated by the panel, or is one
23 generated by -- generated by your --

24 A. Well, it looks like one's --

25 Q. -- group?

1 A. -- generated from David Crampton.
2 And I'm not sure.

3 Q. So why don't we go back, then, to
4 the start of the first report and try to go
5 through that quickly. Like the other ones, it
6 all has the date of October 13, 2010. Do you
7 see that --

8 A. Yes.

9 Q. -- on page 46?

10 A. Yes.

11 Q. On the second page, after kind of
12 talking about the history of the panel, it
13 says, the second paragraph, "In addition to
14 high profile cases, CCDCFs" -- that's your --

15 A. Cuyahoga County --

16 Q. -- position at the time?

17 A. -- Department of Family Services,
18 yes.

19 Q. -- "reviewed the files of 122
20 children whose custody was terminated between
21 January 2009 and March 31, 2010, but whose
22 cases were still open."

23 And, again, we talked about 122
24 cases before in a prior document.

25 A. Uh-huh.

1 Q. Do you know where there would be
2 any documents relating to this analysis or
3 review of cases?

4 A. I -- do I know where it would be
5 now? Is that what you're asking? Or --

6 Q. Yeah.

7 A. -- what happened to it?

8 Q. Yeah.

9 A. No, I don't know what happened to
10 it.

11 Q. Would there have been documents
12 generated memorializing the results of that
13 review?

14 A. I would think so. David Crampton
15 did them. I would think so.

16 Q. Somewhere in the county should
17 have --

18 A. Somewhere they should.

19 Q. -- those records?

20 Would you have received a copy of a
21 report on that by e-mail or --

22 A. I have no idea.

23 Q. Any idea who would have had it for
24 the County?

25 A. You could ask -- I don't know.

1 Q. Okay. If you go to the next page,
2 after it walks through what the panel was asked
3 to do, the panel's charge, selection of the
4 members of the panel, do you see those
5 sections?

6 A. Are you on 648?

7 Q. Yes, ma'am.

8 A. Okay.

9 Q. So it runs through what the panel
10 was asked to do, the panel's charge, selection
11 of members of the panel, and then guiding the
12 work of the panel. Do you see that?

13 A. I see it.

14 Q. And the first sentence under
15 "Guiding the Work of the Panel," it says, "To
16 prepare the panel for its work, CDCDFS staff
17 first presented key policies, procedures,
18 reports, and data."

19 How was that presentation done?

20 A. I'm not sure. I don't recall.

21 Q. Were -- were there documents
22 generated in connection with that?

23 A. I -- I believe there probably would
24 have been.

25 Q. Any idea where those would be?

1 A. I'm sorry. Eight years later, I
2 can't say where they'd be.

3 Q. Would you have had a copy of
4 whatever was generated back then?

5 A. No, nev- -- yes, I would imagine.

6 Q. Like maybe a PowerPoint where --

7 A. Something.

8 Q. Okay. Any idea who was involved in
9 that presentation, in terms of giving it or
10 preparing it?

11 A. I imagine it would have been David.
12 I -- I don't know if I was involved in this or
13 not.

14 Q. Well, it wouldn't have been David,
15 because he was the person who received it. It
16 says that it was -- your staff presented
17 policies, procedures, reports, and data --

18 A. It was --

19 Q. -- correct?

20 A. Any -- yes. I'm just trying to
21 think back.

22 Q. Can you think of anybody who would
23 have been involved in that presentation?

24 A. I would imagine these part of
25 the -- parts of the executive team.

1 Q. Do you know names of anybody, other
2 than you, who would have been involved?

3 A. I would think -- you have the names
4 of the people, I believe. That -- they're
5 still there.

6 Q. Can you give me a name of who would
7 have been involved in the presentation, other
8 than you?

9 A. I'm not sure who it was, but I'm --
10 I can't -- I don't want to bet on who it is. I
11 don't -- I don't know.

12 Q. Okay.

13 A. But I know that there's -- there
14 were many people involved in this, in putting
15 together reports.

16 Q. So there's some other sections of
17 this, including an overview of what was done,
18 and then if you go to page -- the Bates number
19 ends in 51, "Critical Considerations and
20 Overarching Themes." Do you see that page?

21 A. Yes. Yes.

22 Q. So the -- I'm not going to take too
23 much time with this, but the first one, in
24 terms of a bullet, says, "Positive outcomes
25 will be achieved through effective internal

1 procedures and quality audit-" -- "external
2 practices."

3 Do you see that?

4 A. Are you on the last paragraph?

5 Q. No. The first bullet on page 52.

6 A. I'm sorry.

7 Q. It says "Positive outcomes" --

8 A. Got it.

9 Q. -- "will be achieved through
10 effective internal procedures and quality
11 external practices."

12 Do you see that?

13 A. Yes.

14 Q. Do you know of any changes in
15 internal procedures as a result of anything
16 from the panel?

17 A. I don't know.

18 Q. It continues on with a number of
19 other bullets. The one at the bottom of that
20 page is that, "The division needs to update and
21 sharpen its tools to fulfill its responsibility
22 as a member of the family's team."

23 Do you see that?

24 A. Uh-huh.

25 Q. Was that something you agreed with,

1 in general?

2 A. I don't know.

3 Q. Next page, the second bullet on the
4 page says, "There is a need to strengthen
5 partnerships at all levels across the multiple
6 systems responsible for serving Cuyahoga
7 County's children and families."

8 Do you see that?

9 A. I see it.

10 Q. And that's consistent with one of
11 your overall -- your personal observations
12 about structural impediments to the division
13 doing a good job, correct?

14 A. Correct.

15 Q. The second paragraph under that
16 bullet starts with the sentence that says,
17 "Specifically the potential for children to be
18 re-abused is substantially increased in those
19 homes where parents or caregivers are
20 struggling with mental health or substance
21 abuse."

22 Do you see that?

23 A. I see it.

24 Q. And was that consistent with your
25 experience?

1 A. Yes.

2 Q. And that was true for all
3 substances of abuse, not just opioids or
4 opiates, correct?

5 A. Yes.

6 Q. If you go to next page, there's a
7 bullet that says, "Intersystem
8 collaboration/access to services is critical to
9 success."

10 Do you see that?

11 A. Yes.

12 Q. In the middle of that paragraph, it
13 says, "However, at important organizational and
14 clinical/service levels, significant
15 disconnects remain among the systems that serve
16 children and their families."

17 Do you see that?

18 A. I see that.

19 Q. And that was, again, one of your
20 observations about an overarching problem,
21 correct?

22 A. Yes.

23 Q. If you go to next page, the second
24 bullet says, "'On-site' mental health and
25 substance abuse resources are needed at

1 CCDCFS."

2 Do you see that?

3 A. Sorry. I lost you. You on 55?

4 Q. I am.

5 A. Which -- which bullet? I missed
6 the bullet.

7 Q. The second bullet says, "'On-site'
8 mental health and substance abuse resources are
9 needed at CCDCFS."

10 A. Yes.

11 Q. And you never got those on-site
12 resources, did you?

13 A. No. I don't know. I don't know if
14 they did or didn't. I was gone by then.

15 Q. I mean --

16 A. By the time this was implemented or
17 if -- if any of it was.

18 Q. The three months that you were the
19 director after this document was generated, you
20 didn't get on-site support added, correct?

21 A. I don't know if we did or didn't,
22 to be honest with you.

23 Q. And so if you can just go to the
24 next document, the one that has Mr. Crampton's
25 name on it from the same date, there are a

1 number of things here that are identified as
2 recommendations.

3 A. Page?

4 Q. It starts on the page ending --
5 with the Bates number ending in 58 and goes to
6 the rest of the time document. These are all a
7 series of recommendations broken up by number
8 and then with subparts. Do you see that?

9 A. Yes.

10 Q. And was it your view that all of
11 these recommendations should have been
12 followed?

13 A. I --

14 Q. To improve the performance of
15 Children and Family Services?

16 A. Well, it sounds like I said that,
17 all 72.

18 Q. And you don't know if any of them
19 ever were?

20 A. I don't know that.

21 Q. But you know that none of 72
22 were -- none of 72 were implemented in the
23 three months or so that you were director after
24 the report came out, correct?

25 A. Correct.

1 - - - - -

2 (Thereupon, Deposition Exhibit 8,
3 10/23/2018 E-Mail Chain Re: Final
4 Recommendations, Report and Letter
5 from the Chair, CUYAH_012558835 to
6 012558836, was marked for purposes
7 of identification.)

8 - - - - -

9 Q. Okay. Exhibit 8, this is a much
10 shorter document. It's an e-mail with a
11 one-page attachment, Bates range is
12 CUYAH_012558835336. The e-mail that starts it
13 is October 13, 2010, the same date we were just
14 going over. This is from Patrick -- Kanary or
15 Kanary?

16 A. Kanary.

17 Q. -- to a bunch of people, including
18 you. Do you see that?

19 A. I see it.

20 Q. And Mr. Kanary is identified as the
21 director of the Center for Innovative Practices
22 at Kent State University. Do you see that?

23 A. I see that.

24 Q. And what was his role on the panel?

25 A. He was one of the facilitators who

1 helped facilitate some of the sessions.

2 Q. So the document that we have, the
3 way it was put together, we have one document
4 that is just the cover letter. We don't have
5 the narratives and other versions that are
6 referenced here. Actually, let me go back.

7 So the e-mail from Mr. Kanary says,
8 "Attached, please find," it says, "Final
9 versions of the Recommendations," and then,
10 "Final version of the narrative report." Do
11 you see that on the first page?

12 The -- one is described as the
13 recommendations and one is described as the
14 narrative report. Do you see that?

15 A. No, I don't see that. I'm sorry.

16 Q. The bullets in the middle of the
17 page --

18 A. Oh.

19 Q. -- where it says, "Attached --

20 A. Okay. Sorry.

21 Q. -- "please find" --

22 A. I got distracted.

23 Q. The last exhibit we were going
24 over, Exhibit 7, where we had two separate
25 reports, was one of those the recommendations

1 and one was the narrative report?

2 A. I don't know that.

3 Q. Have you ever seen other versions
4 of any of these reports?

5 A. I don't believe so. I don't know.

6 Q. Have you ever seen any updates to
7 the report that may have been issued after you
8 were dir- -- after you stopped --

9 A. No.

10 Q. -- being director?

11 A. No. Never.

12 Q. Then let's just go to the
13 attachment here, the cover letter from
14 Dr. Crampton that would have accompanied the
15 report. So this is on the Bates number ending
16 in 36, and it's dated October 12, 2010. It's
17 addressed to the Cuyahoga County Board of
18 Commissioners and all residents of Cuyahoga
19 County.

20 Do you see that?

21 A. Yes.

22 Q. And it gives some of the history
23 we've gone over about stories in the Plain
24 Dealer and the convening of the panel.

25 And it says, "Your staff concluded

1 that there were a number of risk factors in
2 these families," meaning the ones with the high
3 profile deaths, "that needed greater attention:
4 children who were removed from home at young
5 ages resulting in poor attachment and bonding
6 with their parents, families with serious
7 mental health challenges, partner violence, and
8 drug/alcohol addiction and other social
9 stressors such as inadequate income, housing,
10 and health care. Director Forkas recognized
11 that these issues require consideration and
12 support from the entire community, and so, on
13 her own initiative, she formed a panel of
14 community members to review these risk factors
15 and make suggestions for improving our
16 community's response to helping vulnerable
17 children and their families."

18 Did I read that right?

19 A. You read it.

20 Q. It's quite a mouthful, but is that
21 an accurate characterization of how that panel
22 came to be created?

23 A. No. It wasn't just me.

24 Q. And so it's described as being you,
25 but it really was you and the county executive

1 at the time?

2 A. Uh-huh. There were a lot of other
3 people that helped with the panel, helped us
4 get experts.

5 Q. At the end of this time, after the
6 panel came out, do you remember any discussions
7 at all about what would be done to implement
8 the panel's recommendations or get money for
9 that?

10 A. I don't recall.

11 - - - - -

12 (Thereupon, Deposition Exhibit 9,
13 1/3/2011 E-Mail from Valeria Harper
14 Re: Minutes from Dec. 16 Meeting,
15 with Attachment, CUYAH_012681169 to
16 012681171, was marked for purposes
17 of identification.)

18 - - - - -

19 A. But I'm sure you're going to give
20 me something that's going to help me.

21 Q. Well, we only have what documents
22 we have, so that's part of the thing, is would
23 there have been meetings or memos or documents
24 that were created that we don't have? Because
25 we, frankly, don't have many documents with

1 your name on them.

2 A. Do you have any documents from the
3 existing staff? Have you asked?

4 Q. Yeah. There was a lot of documents
5 from staff, but relatively few have your name
6 on them, and relatively few go back to 2010.

7 A. That's interesting.

8 Q. It is.

9 Here is Exhibit 9, with two copies.
10 So this is an e-mail with attachment,
11 CUYAH_012681169 through 71.

12 The e-mail is from Valeria Harper,
13 the chief operating officer of the ADAMHS Board
14 of Cuyahoga County.

15 A. She was at the time.

16 Q. To you and others. Do you see
17 that?

18 A. Yes.

19 Q. And the subject is minutes of the
20 December 16th meeting, which are basically
21 being provided in anticipation of the upcoming
22 meeting that's going to happen in January,
23 right?

24 A. Right.

25 Q. And that's why this is sent January

1 3, 2011, right before the -- the next meeting
2 takes place?

3 A. Uh-huh.

4 Q. Does that make sense?

5 A. Yes.

6 Q. If you look at the meeting minutes
7 from December 16th -- I'm sorry; on the second
8 page -- it says the attendees were you, Cynthia
9 Weiskittel. What was her position at the time?

10 A. She was a deputy over ongoing
11 services I believe.

12 Q. And do you know what position she
13 subsequently had in Cuyahoga County after this?

14 A. She's director.

15 Q. She's the current director?

16 A. Yeah.

17 Q. Have you had any interaction with
18 her?

19 A. No.

20 Q. Did she used to work for you?

21 A. She did.

22 Q. Jacqueline McCray, do you know what
23 her position was then?

24 A. Deputy director.

25 Q. Of what?

1 A. Of adoption and foster care.

2 Q. Tamara Chapman-Wagner, do you know
3 what her position was then?

4 A. She was the deputy director over, I
5 think it was in- -- intake or ongoing services.
6 I can't recall.

7 Q. Okay. So these are all County --

8 A. These are all County employees.

9 Q. And then --

10 A. Well, on the top.

11 Q. -- Mr. Denihan we've already
12 mentioned, he was -- was he the -- the CEO --

13 A. CEO --

14 Q. -- of the ADAMHS Board?

15 A. He was the CEO on the ADAMHS Board.

16 Q. And then Ms. Harper, who sent this,
17 we said she is the COO of the ADAMHS Board?

18 A. She was. She's deceased.

19 Q. Mr. Osiecki? Do you know what his
20 position was then?

21 A. He was, like, a public relations
22 person.

23 Q. For whom?

24 A. For Bill Denihan.

25 Q. Christina Delos Reyes?

1 A. I don't remember Christina. I'm
2 not sure.

3 Q. What about Linda Torbert?

4 A. The name sounds familiar, but I
5 don't remember what she did.

6 Q. And then there's -- the -- the
7 subject of this meeting minutes says,
8 "Recommendations of practice review and
9 improvement panel for DCFS."

10 Does that seem to refer back to the
11 documents we were just going over?

12 A. I believe so.

13 Q. And there's various things
14 discussed here, including, if you get the next
15 steps, there was going to be a memorandum of
16 understanding between Children and Family
17 Services and the ADAMHS Board. Do you remember
18 that?

19 A. I don't remember it, but...

20 Q. You said that there were
21 contractual relationships between the two
22 entities, right?

23 A. I believe so.

24 Q. And were -- were those changed
25 because of something in that report?

1 A. I don't believe so.

2 Q. Okay. From looking at the
3 discussion on this December meeting and the
4 next steps, did anything change as a result of
5 the report that we've been going over?

6 A. I don't know.

7 Q. This -- this meeting of the
8 department with the ADAMHS Board obviously you
9 were having one in January. You'd had one in
10 December. Was the meeting in December of 2010
11 the first meeting you had with them?

12 A. I don't remember.

13 Q. Would -- should there have been
14 meetings in October and November as well?

15 A. Might have been.

16 Q. What about after January? Should
17 there have been other meetings?

18 A. I don't -- I don't know. I can't
19 answer that question. I don't know.

20 Q. Does this refresh you at all on
21 anything that happened as a result of the
22 report, including trying to get more money or
23 change staffing or policies, anything?

24 A. Under 1.2, the Hitchcock Center for
25 Women with the AOD assessments and getting

1 CARES Plus in there.

2 Q. That was as a result of the panel?

3 A. No. No, I don't -- I don't believe
4 so.

5 Q. Okay. So my question was, was
6 anything --

7 A. Oh, I see.

8 Q. -- here because of anything about
9 the panel's recommendations?

10 A. I don't -- well, Bill Denihan was
11 on the panel. I mean, he was -- you know, he
12 was at all those meetings and he was part of
13 the panel. I don't -- but I don't -- I don't
14 know that. I don't know that to be true.

15 Q. Okay.

16 A. You got one more in there?

17 Q. One more --

18 A. One more?

19 Q. -- set of minutes.

20 - - - - -

21 (Thereupon, Deposition Exhibit 10,
22 2/11/2011 E-Mail from Valeria Harper
23 Re: Final - Meeting Summary, with
24 Attachment, CUYAH_012677697 to
25 012677699, was marked for purposes

1 of identification.)

2 - - - - -

3 Q. Exhibit 10 -- thank you -- is an
4 e-mail with attachment, and it's
5 CUYAH_012677697 through 99. The e-mail is
6 again from Ms. Harper to you and others. This
7 is an e-mail from February 11, 2011. So, like,
8 very near the end of your stay, correct?

9 A. Yeah.

10 Q. And it's referring back to the
11 minutes of a meeting that happened on January
12 4th, which would be the day after the last
13 document we looked at --

14 A. Right.

15 Q. -- correct?

16 A. Uh-huh.

17 Q. Okay. So it said, on January 4,
18 2011, you attended this meeting, along with, it
19 looks like the exact same people with one
20 addition, and that's Cindy Chaytor --

21 A. Yeah.

22 Q. -- C-h-a-y-t-o-r.

23 Do you know who she is?

24 A. No, I don't.

25 Q. And so by this time in January 4 of

1 2011, did -- did you know that you were not
2 going to be the director any longer?

3 A. Oh, I knew.

4 Q. Okay. So it starts off by saying,
5 "Summary from meeting held on December 16,
6 2010, was disseminated and reviewed."

7 And then under "Services and
8 Supports," it says, "Discussion: ADAMHS Board
9 staff shared brief overview of the central
10 intake/assessment/linkage and referral program
11 scale for uninsured adults with mental illness.
12 Copy of brochure shared. DCFS acknowledged
13 that there are some programmatic concerns
14 related to the Hitchcock Center for Women as
15 DCFS's on-site assessment entity for accessing
16 AOD treatment services. Follow-up planned with
17 Cindy Chaytor taking the lead to arrange a
18 meeting with DCFS, designated staff, and HCFW."

19 Do you have any idea what that's
20 talking about?

21 A. I do not. I don't know what the
22 concerns were.

23 Q. And Hitchcock Center for Women,
24 what did it -- what did that do?

25 A. I think it was -- I'm not sure. I

1 don't want to misspeak.

2 Q. Was it a contractor for your
3 department?

4 A. I don't recall.

5 Q. The abbreviation "AOD" where it
6 says "accessing AOD treatment services," what
7 did "AOD" mean?

8 A. I don't know.

9 Q. "Alcohol or drug"?

10 A. "Alcohol or drug" is what I think
11 it means, but I don't know that as a fact.

12 Q. Does "SCALE" ring any bells for you
13 at all?

14 A. SCALE, uh-uh.

15 Q. I didn't hear your answer.

16 A. I -- I'm sorry. I don't have an
17 answer for you.

18 Q. Okay. The next part talks about
19 "cross system training" for staff. Do you
20 remember any training program that was
21 initiated at this time?

22 A. Well, I know what they're talking
23 about. They're talking about our TDM, our team
24 decision-making meetings, on how we make
25 decisions on cases.

1 Q. Do you know if anything changed?

2 A. I don't.

3 Q. Next page please. Section IV,
4 "Memorandum of Understanding Suggested
5 Language." Do you remember what was going on
6 with the memorandum of understanding between
7 the ADAMHS Board and your department?

8 A. I don't know. I may -- no, no.

9 Q. Five says, "Family and Children
10 First Council - Service Coordination Team." It
11 says, "It was decided and supported that
12 Deborah Forkas will speak privately with Robin
13 Martin, director of FCFC, as part of an already
14 scheduled meeting to share concerns regarding
15 the current SCT process/practice."

16 Does that ring any bell for you at
17 all?

18 A. No.

19 Q. I'm sorry?

20 A. No.

21 Q. What did Family and Children First
22 Council do?

23 A. It was a big coun- -- it was a --
24 it was a council where we all put money in for
25 service coordination and services. And Robin

1 Martin was the director there.

2 Q. Is that a private entity?

3 A. No. Government. But I'm not
4 sure -- I don't know what this means, what I
5 was supposed to share with her.

6 Q. So Section VI, first bullet, if
7 that's what that little symbol is called, says,
8 "ADAMH Board staff to invite DCFS
9 representatives to the next all providers'
10 meeting."

11 Any idea what the all providers'
12 meeting was?

13 A. I don't. It must be all the
14 providers that Denihan used.

15 Q. And so who would have gone, for
16 your group, to that?

17 A. Who would have gone?

18 Q. Yeah.

19 A. Probably -- I would think Tammy
20 Chapman-Wagner may have been the person to go.
21 I don't -- I'm not sure.

22 Q. So the Section VII says, "Next
23 meeting February 8, 2011."

24 Were you still director by then?

25 A. I think I was -- well, in March I

1 was gone.

2 Q. Okay. Do you know if you attended
3 the next meeting?

4 A. I don't believe I did, but I don't
5 know that as a fact.

6 Q. Okay.

7 A. Do have another sheet in there --

8 Q. No.

9 A. -- showing that?

10 - - - - -

11 (Thereupon, Deposition Exhibit 11,
12 2/1/2011 E-Mail from Janet Carr Re:
13 CUYAH_002794832 to 002794850, was
14 marked for purposes of
15 identification.)

16 - - - - -

17 Q. Exhibit 11. This is about the last
18 document we have with your name on it from
19 Cuyahoga County. February 11, 2011, an e-mail
20 with the Bates range CUYAH_002794832, and then
21 with attachments going through 50. And the
22 e-mail is from Janet Carr to you and various
23 others.

24 Ms. Carr is identified as coming
25 from the Office of Health and Human Services.

1 Do you know what her position was?

2 A. I think she's an administrative
3 assistant.

4 Q. Okay. And she's actually, like,
5 forwarding something from your administrative
6 assistant. Do you see that?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes.

10 Q. Okay.

11 A. Sorry, yes.

12 Q. And this whole thing is described
13 as the "DCFS CountyStat Presentation" that
14 "Rick referred to at Friday's meeting."

15 Do you see that?

16 A. Rick who?

17 Q. I don't know. That's my question
18 is for you. Do you know --

19 A. It would be Rick Werner.

20 Q. Rick Werner is one of the
21 recipients from the e-mail from Ms. Carr. Do
22 you see that?

23 A. Yeah -- yes. Yeah, it would have
24 to be Rick Werner. I don't know --

25 Q. What was his position?

1 A. He -- I reported to him.

2 Q. And what was CountyStat?

3 A. CountyStat was something that
4 actually Ed FitzGerald started, so Ed
5 FitzGerald was in by then. And it was
6 CountyStat, and he wanted a quick flash of
7 statistics that we used, and so we had to
8 prepare reports that he was interested in.

9 Q. So this was going on during your
10 last month or so on the job?

11 A. Must have been my last couple weeks
12 or so.

13 Q. But this was, like, an ongoing
14 thing? Every month --

15 A. Well, when did he --

16 Q. -- there would be some sort of
17 presentation?

18 A. Well, I was at a few of them. But
19 I don't know when he -- I don't recall when he
20 started them or how long they were --

21 Q. So were they every --

22 A. -- going on.

23 Q. -- month or every week?

24 A. I don't recall. I really don't
25 recall.

1 Q. Okay. Let's go to the attachment
2 here, starting on Bates number ending in 34.
3 It says, "CountyStats, December 2010,
4 Department of Children and Family Services,
5 Deborah Forkas, Director."

6 Do you see that?

7 A. 33, 32, 34 -- yeah, I see it.

8 Q. And if you go to, like, the third
9 slide, it says, "Number of Children in
10 Placement 'Point in Time'"

11 A. Uh-huh.

12 Q. Can you explain what "Point in
13 Time" is?

14 A. Just that. It's a point in time.
15 It's a -- we'd look at an aggregate report, and
16 it's a point in time. We pick a date, and
17 12/26/2010 was the date.

18 Q. Okay. So if you look at the --
19 page 3, which is the Bates number ending in 36,
20 it shows that the number of children in
21 placement from 2002 through the end of 2010 had
22 dropped by about 70 percent.

23 Do you see that?

24 A. I see that.

25 Q. Do you know why there were such a

1 big drop?

2 A. I do.

3 Q. Why?

4 A. Because there were children that
5 were being kept in placements way, way too long
6 and were not being returned home in a
7 reasonable amount of time. And this came
8 from -- Jim McCafferty started this in 2002,
9 and the idea was to review the cases and see
10 were there children that were lingering in the
11 system and if they were lingering and not --
12 you know, and should have been reunified or
13 could have -- could have been potentially
14 reunified or adopted or, depending on what kind
15 of types of custody we had, that we would try
16 to find them adoptive homes or try to find --
17 do more work on the cases.

18 Q. You want this number to be
19 dropping?

20 A. Do I want this number to be
21 dropping? Well, at one point it was 8,000 --
22 it was a ridiculous amount of children, which
23 was not a good situation. So it's -- what's
24 the right number is really, you know, is there
25 a right number or -- or more so important, who

1 are the children that are ready to go be
2 reunified with their parents or if they're not
3 going to be reunified with their parents, do
4 we -- do we move towards PC because -- that
5 they could be adopted. So it could -- it's a
6 number of things.

7 Q. So if you go to page 5 of this
8 presentation, which is Bates number ending in
9 38, it says, "Agency Specific Measures," and
10 number one is, "Reduce the number of youth
11 aging out of Permanent Custody and Permanent
12 Planned Living Arrangements."

13 A. Right.

14 Q. Do you see that?

15 A. Yes.

16 Q. Number two is, "Reduce the Number
17 of Youth in Residential Placements."

18 A. Yes.

19 Q. So that was a -- a measure that was
20 taken to reduce the numbers?

21 A. Right.

22 Q. And then three says, "Increase
23 Compliance on Worker Visits on Substitute Care
24 cases."

25 Can you explain what that means?

1 A. Increase compliance on worker's
2 visits on substitute care cases, I'm not sure
3 what that means.

4 Q. Okay.

5 A. But do you un- -- do you understand
6 what PPLA is?

7 Q. Enough.

8 A. Okay. I mean, it's important to --

9 Q. Feel free to explain it, then.

10 A. Well, it's -- it's just -- it's --
11 we don't have it anymore in the state. They've
12 gotten rid of it since then because -- but it
13 keeps kids in limbo, where they can't -- they
14 can't leave. They -- they can't go back to
15 their homes, but they can't -- we don't have PC
16 of them. And it's a status type of legal
17 custody.

18 And so the issue is, is can we get
19 PC of the child, permanent custody, so that we
20 can find them a place where they can live and a
21 family that will adopt them, and that's what
22 we're working on. I mean, it's a -- that's --
23 that's something that is a positive thing.

24 Q. Why don't you go to Slide 16,
25 please, ma'am, which is the Bates number ending

1 in 49.

2 A. "Challenges and Barriers"?

3 Q. Yes, ma'am.

4 A. Okay.

5 Q. And so this was intended, kind of
6 very late in your -- or at the very end of your
7 term as director, to accurately state what your
8 challenges and barriers were to the department
9 doing a good job.

10 A. Uh-huh.

11 Q. Is that a fair statement?

12 A. I guess. I don't know.

13 Q. Well, who would have prepared this?
14 It's all under your name.

15 A. May be under my name.

16 Q. Well, it says Mickey Groomers?

17 A. Groomes.

18 Q. Well, and so did he work for you?

19 A. She.

20 Q. Did Mickey Groomes work for you at
21 this time?

22 A. I think she worked for Cindy for a
23 while. She did report to me for a short --
24 short time. She got switched over to me.

25 Q. So somebody probably prepared these

1 slides and you've had a chance to review them
2 before they were finalized, right?

3 A. I would expect that's probably what
4 happened.

5 Q. Okay. So "Challenges and
6 Barriers," the first one says, "The new ODJFS
7 SACWIS system offers no management reports."

8 Is that true? At the time.

9 A. At the time, it pro- -- it could
10 have been true. I don't know if it was true or
11 not, but it could have been true. I mean, it
12 was still not -- not where it was supposed to
13 be.

14 Q. Second one says, "The social worker
15 SACWIS data entry requirement has reduced the
16 amount of time staff has -- have to spend with
17 their families. Hotline data entry time has
18 increased by 50%. Direct service data entry
19 time has increased by 40%."

20 Do you see that?

21 A. I see that.

22 Q. And -- and you would have tried to
23 be accurate there too, right?

24 A. Say it again. I --

25 Q. You would have tried to be accurate

1 there too?

2 A. What do you mean accurate?

3 Q. When you're giving data on --

4 A. Oh, we -- oh, just the agency.

5 Q. Yes.

6 A. Sorry. Yes.

7 Q. Okay. So --

8 A. I mean, I -- I know this was a
9 problem, because it was very, very difficult to
10 get your information into SACWIS at the time.
11 There were lots of problems with the system
12 that they built, the state built.

13 Q. That hurt your performance?

14 A. Hurt our performance.

15 Q. Third bullet says, "Staffing levels
16 have decreased from 1,100 in 2009 to 850
17 December of 2010."

18 A. Yes. And that was Mr. FitzGerald
19 who we can thank for that, because he -- there
20 was a freeze and he wouldn't allow us to hire.

21 Q. Did that hurt performance too?

22 A. It did.

23 Q. Losing 250 people over the course
24 of less than two years --

25 A. Of course it did.

1 Q. And those numbers, the 1,100
2 itself, was down from what it had been in the
3 past, right?

4 A. Yes.

5 Q. "Intake caseloads are increasing.
6 October 2010 caseload numbers were 19.1,
7 compared to 8.9 in October 2009."

8 Can you explain that?

9 A. Can't explain it.

10 Q. So but --

11 A. But, I mean, I would assume it.

12 Q. Your staffing is dropping and your
13 caseload is increasing.

14 A. Well, increasing, yeah, I mean, of
15 course.

16 Q. So the burden on caseworkers is
17 increasing?

18 A. Yes, that's true.

19 Q. And the performance is affected.

20 A. True.

21 Q. Negatively?

22 A. True.

23 Q. Okay. Next one says, "Ongoing
24 caseloads are on the rise. October caseloads
25 were 12.8, compared to 11.0 in October 2009."

1 How -- how are those numbers
2 different? Ongoing versus intake.

3 A. The same thing. I mean, they're
4 increasing.

5 Q. But they're different staffing --

6 A. They're different --

7 Q. -- for intake?

8 A. Yeah, they're different -- yeah,
9 intake is front door. Ongoing is halfway
10 through the system.

11 Q. So the burden on the system was not
12 just at the intake level; it was at multiple
13 levels?

14 A. It was at multiple levels.

15 Q. Okay. The next bullet says, "The
16 economic crisis in the county has affected our
17 client base - serious mental illness, substance
18 abuse, and domestic violence. Many of our
19 clients present with 2 or more of these
20 issues."

21 A. True.

22 Q. That was something that you and
23 your colleagues had noted, correct?

24 A. Yes. I don't know about the
25 economic crisis, but that's what -- that's what

1 we said.

2 Q. And by this time with this
3 presentation to the county executive in early
4 2011, you weren't intending to pull any
5 punches, were you?

6 A. No.

7 Q. And had you noticed, by that time,
8 if the rising issues with substance abuse were
9 starting to include an uptick in opioids and
10 opiates?

11 A. It was an uptick, but I don't know.
12 I don't remember -- honestly, I don't know.

13 Q. Do you know if there were any
14 questions posed back to you by the county
15 executive, or anybody working with him, when
16 this stat presentation happened to say, hey,
17 what are the drugs at issue, what are -- what's
18 the issue with substance abuse, why does that
19 matter?

20 A. I don't think so.

21 Q. I mean, by this point in time it
22 was pretty well known that there were trends in
23 substance abuse that were straining the
24 provision of governmental services, including
25 Children and Family Services, correct?

1 A. I don't know if I can say that or
2 not. You can say that. I mean, I...

3 Q. Was it well known to you at this
4 time?

5 A. Well, I was seeing what was
6 happening.

7 Q. And you were part of meetings of
8 high-level government officials talking about
9 this sort of thing, correct?

10 A. Talking about it.

11 Q. And you said --

12 A. Talking.

13 Q. -- part of what's going on is, hey,
14 we have -- we're being burdened by economic
15 downturn, mental illness, substance abuse,
16 domestic violence, all of these things are
17 increasing the burden on our system and making
18 it harder for us to do our job; is that right?

19 A. That's right, I believe.

20 Q. And part of the fix for that would
21 be needing more money, right?

22 A. That would be the only fix, but
23 when you can't get staff and you can't get
24 money...

25 Q. So this would have been a meeting,

1 what we were just going over, that
2 Mr. FitzGerald attended, correct?

3 A. Yes.

4 Q. Him and people working directly
5 with him at that time, like maybe Mr. Merriman
6 would have attended a meeting and had been told
7 this presentation that specifically
8 identified --

9 A. Yeah, he was --

10 Q. -- these trends?

11 A. He was part of that upper echelon,
12 I believe.

13 Q. And if anybody --

14 A. I believe.

15 Q. -- if anybody asked any question
16 about what are you seeing with substance abuse,
17 you would have said, well, you know, part of
18 it, at least, is we're starting to see, you
19 know, heroin seep into -- seep into the
20 community in parts of the community that we're
21 not used to seeing it in and in numbers beyond
22 what we were used to?

23 A. At that point in time, people were
24 worried that we were meeting with Denihan and
25 we have had -- we're having ongoing meetings

1 talking about what can we do.

2 Q. Okay. So the answer to my question
3 is yes?

4 A. Yes.

5 Q. Okay. And that would have
6 included, for heroin and opioids, opiates, the
7 way you defined it earlier, that they weren't
8 just in one specific geographic or cultural
9 part of Cuyahoga County; it was expanding to
10 other parts of the county and affecting the
11 provision of services across the county?

12 A. I don't know if that's -- I don't
13 know if that's accurate, to be honest with you.
14 I mean, I don't know that, you know, it was
15 only -- it -- it was not -- it had expanded
16 out. I'm not sure. I don't know. I don't
17 have that data. I haven't seen that data to
18 look at it for me to say -- it's real easy for
19 me to say, oh, yeah, that's true, but, you
20 know, it's eight years later, and I'm trying to
21 think back on it, so --

22 Q. Fair -- fair enough. At this time,
23 you knew it was going on, but you can't say, in
24 your head right now, if you were aware of the
25 geographic expansion or expansions across

1 different socioeconomic groups?

2 A. At that point in time that we did
3 that report, I don't know that.

4 Q. Okay. That's certainly known now?

5 A. It's known now.

6 Q. Yeah. Let me ask you --

7 MR. McMONAGLE: Excuse me. I don't
8 mean to interrupt you, but we've been going for
9 about an hour and a half since the last break.

10 Ms. Forkas, do you need a break?

11 THE WITNESS: Yeah, I'd like some
12 water. I'm kind of thirsty.

13 MR. ALEXANDER: Great. And I'll
14 look and see how quickly we can finish up.

15 THE WITNESS: Okay. Are we close,
16 or do you have more exhibits?

17 MR. ALEXANDER: We're close.

18 THE VIDEOGRAPHER: Off the record,
19 2:12.

20 (A recess was taken.)

21 THE VIDEOGRAPHER: On the record,
22 2:26.

23 BY MR. ALEXANDER:

24 Q. Ms. Forkas, is there any of your
25 testimony thus far you need to change or

1 supplement in any way?

2 A. I don't think so.

3 Q. Earlier in the deposition, I asked
4 you some questions about personal experience
5 and whether you would relay those, if asked at
6 trial.

7 A. Uh-huh.

8 Q. Do you intend to offer, if called
9 at trial, any personal experience in terms of
10 you, your family members or personal friends,
11 with anything about opioids or opiates,
12 including treatment or addiction?

13 A. I'm not sure at this juncture. I
14 don't know.

15 Q. Some other witnesses have had
16 issues of when they relay some anecdote or some
17 story of where to draw the line on revealing
18 personal information, like the names and --

19 A. Right.

20 Q. -- details and --

21 A. Oh, no.

22 Q. -- and whatever. So sitting here
23 today, you don't intend to reveal personal
24 information --

25 A. No.

1 Q. -- about anybody in your family or
2 friends --

3 A. No.

4 Q. -- or whatever --

5 A. No.

6 Q. -- correct? Okay.

7 And if -- it kind of goes hand-in-
8 hand that if you would need to reveal personal
9 information to be able to talk about this sort
10 of thing, personal experience or anecdotal
11 experience, then you wouldn't talk about it at
12 trial --

13 A. That's correct.

14 Q. -- is that correct?

15 In terms of instances of individual
16 cases that involve opioids or opiates that were
17 cases or clients of Cuyahoga County Children
18 Family Services while you were the director,
19 are there any specific cases that you would
20 intend to talk about?

21 A. No.

22 Q. And are there any specific cases of
23 the clients of any county's Children and Family
24 Services department or equivalent name for the
25 department, that you would talk about at trial?

1 A. No.

2 Q. Okay. As a member of -- as
3 somebody who lives in the county, do you have
4 anecdotal knowledge, like from the press or
5 friends of friends of friends, that relates in
6 any way to people who have had experiences,
7 positive or negative, with opioids or opiates?

8 A. Yes.

9 Q. Okay. You've heard things?

10 A. Yes.

11 Q. Okay. And you don't intend to talk
12 about any of that at trial if there's --

13 A. Oh, no -- well, like I told you, I
14 don't know. I'm not planning on it.

15 Q. But you wouldn't do it if you would
16 have to reveal personal information?

17 A. Yeah.

18 Q. Okay.

19 - - - - -

20 (Thereupon, Deposition Exhibit 12,
21 Native Spreadsheet, CUYAH_002442182,
22 was marked for purposes of
23 identification.)

24 - - - - -

25 Q. Handing you what we marked as

1 Exhibit 12 here. Two copies.

2 Ms. Forkas, let me represent to you
3 that Exhibit 12, which is a native file
4 attachment to a Bates number of
5 CUYAH_002442182, it's a long document with
6 little blue dividers indicating the tabs of
7 what was an Excel spreadsheet printout.

8 Do you see that? Have you ever --
9 have you ever seen documents printed out like
10 this with all of these columns and tabs,
11 depending on which --

12 A. Yeah, I think I have.

13 Q. -- tabs they are from a
14 spreadsheet?

15 A. I may have.

16 Q. Okay. So it was represented to us
17 that this was a printout from the SACWIS
18 database that was run by an employee of Ohio,
19 that was done at the request of somebody at
20 Cuyahoga County to run a ser- -- a report and
21 generate the data included on the four tabs
22 within Exhibit 12.

23 A. You said an employee of the State
24 of Ohio --

25 Q. Yes.

1 A. -- did this?

2 Q. So somebody at the -- at Ohio ran
3 this report and generated this, and in response
4 to a request from Cuyahoga. Okay?

5 A. Really?

6 Q. That's what we were told. So I'm
7 not going to belabor it, because this is not,
8 obviously, a document that was generated back
9 when you were with Cuyahoga County.

10 A. Thank you.

11 Q. But if you look at the -- the dates
12 of the -- the cases in here, they start in 2006
13 and go forward. Do you see that?

14 A. I see that.

15 Q. And do you know when SACWIS first
16 started to be used?

17 A. Oh, I don't remember.

18 Q. And have you ever seen reports that
19 are in -- generally of this format from SACWIS?

20 A. Generally.

21 Q. And -- and to run a report from
22 SACWIS, you have to pick which fields to
23 include and which parameters, and you have to
24 define a search using, you know, Boolean
25 operators or some sort of specifics of

1 programming, right?

2 A. Yes.

3 Q. So whatever is in this report
4 doesn't necessarily mean that's all of what is
5 in SACWIS, let alone the underlying case files
6 for any individual case referenced here,
7 correct?

8 A. I don't know that. I assume.

9 Q. It may or may not be all?

10 A. Right, may or may not. I don't
11 know.

12 Q. But there are more fields than
13 these, what, eight fields or something, in
14 SACWIS, aren't there?

15 A. Yeah, I believe there are. I'm not
16 a SACWIS guru, to be honest with you.

17 Q. And if you go forward, keeping in
18 mind that this goes back to 2006, and if you
19 were to flip through, you'd see that -- that
20 this includes cases from the time period when
21 you were the director, from '09 to early '11.

22 You -- do you see that, that this
23 involves cases from the time period when you
24 were director of Cuyahoga County --

25 A. Yes.

1 Q. -- Children and Family Services?

2 A. Yes.

3 Q. Okay. So if you could go to, then,
4 the -- the second tab, which is, luckily,
5 smaller paper, less fields, a little easier to
6 follow. It's --

7 A. The second blue tab or the
8 second -- just the second tab?

9 Q. The second tab, so the first blue
10 tab on the --

11 A. Okay.

12 Q. -- smaller paper.

13 A. Got it.

14 Q. You got it?

15 A. I got it.

16 Q. So this report has year-by-year
17 data on abandonment, count, percentage, and
18 then it says, "Alcohol Abuse of child,"
19 "Alcohol Abuse of parent."

20 Do you see that?

21 A. I see it.

22 Q. And then, in later ones, it talks
23 about substance abuse, disability, desertion,
24 dependency. There are a bunch of these
25 columns, according to what was run in an

1 individual report.

2 Do you see that?

3 A. Uh-huh.

4 Q. Did you have reports run like this
5 when you were --

6 A. No.

7 Q. -- director?

8 A. No.

9 Q. Did you receive reports like this,
10 even if you didn't ask for them?

11 A. No.

12 Q. Did the reports you had available
13 to you back then have the level of information
14 where you could get down to which particular
15 drug it was that a parent might be abusing
16 or --

17 A. I don't believe so. I --

18 Q. I mean, you -- you actually know
19 that, right? That you generally didn't have --

20 A. Yeah, we didn't have --

21 Q. -- specificity?

22 A. No. We didn't have specificity out
23 of SACWIS originally.

24 Q. Yeah. It would say "drug abuse" or
25 "alcohol abuse."

1 A. No.

2 Q. It wouldn't say this person's a
3 cocaine addict or a --

4 A. Uh-huh.

5 Q. -- you know, PCP addict or
6 whatever, right? Is that correct?

7 A. That's correct.

8 Q. So any kind of data that was added
9 later to allow specificity on drug of choice or
10 the specific drug somebody was abusing that
11 covers a period of time of 2009 or 2010 would
12 need to have been added later, correct?

13 A. It seems so. I'm not an expert,
14 but I would think so.

15 Q. From what you know, that
16 information, that level of information was not
17 in the database --

18 A. Correct.

19 Q. -- on a realtime basis back when
20 you were a director --

21 A. No.

22 Q. -- correct?

23 A. Cor- -- correct.

24 Q. So if you go through to Tab 3, you
25 see some of the things are highlighted in here,

1 and I'll represent to you the highlighting was
2 in the original. We didn't add it. That's how
3 we got the document. And so it specifically
4 mentions, like, barbiturates, three different
5 categories of barbiturates. It has
6 buprenorphine. It has codeine, multiple
7 categories. It has methadone. It has opiate,
8 morphine. It has a bunch of different drugs
9 that have been highlighted.

10 Do you see that?

11 A. No, I don't see that. I'm sorry.
12 I'm having a hard time.

13 Q. In Tab 3.

14 A. One --

15 Q. The first page looks like this,
16 ma'am.

17 MR. McMONAGLE: That's it.

18 Q. There.

19 A. Thank you, sir.

20 Q. So if you just flip through the
21 highlighted parts that were in the original as
22 we got it, a numbers of -- a number of names of
23 specific drugs or facts related to drugs are
24 highlighted in here, including, like I said,
25 specific drugs like hydromorphone, morphine,

1 and then there are categories related to drugs
2 like prenatal drug exposure, positive
3 toxicology screen at birth.

4 Do you see those?

5 A. I'm still working on it.

6 Q. Okay.

7 A. Yeah, I see it.

8 Q. These specific -- this level of
9 detail relating to drug abuse or the way in
10 which somebody was identifi- -- a case was
11 identified as involving drugs --

12 A. Uh-huh.

13 Q. -- that wasn't in SACWIS back in
14 2009, 2010, and early 2011, was it?

15 A. I don't think so.

16 Q. Because one of the things that
17 we've seen from a lot of the documents from
18 even a couple of years after you is people
19 saying, you know, we can't really drill down to
20 what drug is really driving this because SACWIS
21 just doesn't have that data.

22 A. Uh-huh.

23 Q. Does that sound right --

24 A. When was this --

25 Q. -- to you?

1 A. It could be. When -- when -- may I
2 ask a question? When was this ra- -- ran?

3 When was --

4 Q. Aug- --

5 A. -- this run?

6 Q. August of 2018.

7 A. '18 it was run, okay.

8 Q. Late August of 2018.

9 So if you look, then, to the fourth
10 tab, there's a report where there's a case ID,
11 a person ID, an age, characteristic code,
12 characteristic description, and substance flag.

13 Do you see that? Those are the
14 column headings?

15 A. Yes.

16 Q. What's the difference between a
17 case ID and a person ID?

18 A. I don't know. I have no idea. I
19 didn't deal with their co- -- those codes --

20 Q. Okay.

21 A. -- in SACWIS. So I just -- I don't
22 know. I have no idea.

23 Q. But this --

24 A. I mean, all cases had person IDs.
25 That's -- I do know that, but I don't know what

1 the char- -- I don't know.

2 Q. This sort of information about
3 characteristic code and characteristic
4 description to get down to detailed information
5 about opiate addiction or methadone-involved or
6 heroin addiction or morphine abuse, those sorts
7 of very specific phrases that you see on the
8 first page --

9 A. Uh-huh.

10 Q. -- that was not in SACWIS back in
11 2009-2010, correct?

12 A. Correct.

13 Q. So any work that was done to add
14 that sort of coding to SACWIS to cover cases
15 from the time period when you were director and
16 before would have had to involve some sort of
17 retrospective review done years later, correct?

18 A. I don't know that. I would
19 imagine. I don't know how else they'd get in
20 there.

21 Q. Well, I mean, we know that the
22 cases in here started in '06, right?

23 A. Right.

24 Q. And if it isn't in there for '06,
25 '07, '08, '09, 2010, and your time period

1 through early 2011, but it's now in there by
2 the end of August of 2018, it wasn't added
3 contemporaneous with the opening or the workup
4 of the case, correct?

5 A. Correct.

6 Q. It had to have been added later,
7 either by just completely making it up or going
8 to the underlying case file and extracting data
9 and adding it, right?

10 A. I don't know that.

11 Q. Can you think of any other
12 way that --

13 A. I can't think --

14 Q. -- it could have been added?

15 A. -- of any other way, but I don't
16 know that as a fact.

17 Q. And the only place you can think of
18 that somebody would look to pull out
19 information on specifics of drug involvement
20 from a case that was active back when you were
21 in charge of the division in 2009-2010 would
22 have been to go to the underlying case file?

23 A. It's possible. I don't know how
24 else it would get there.

25 Q. Okay. And those --

1 A. I don't -- I don't know that as a
2 fact.

3 Q. And those case files continue to
4 exist to allow people to go back and look at
5 them if need be to pull out data, to do any
6 kind of analysis that might be important?

7 A. I -- I -- I sup- -- I don't know.

8 Q. Well --

9 A. I assume so.

10 Q. -- I mean you're the direct-

11 A. There's --

12 Q. You're --

13 A. I --

14 Q. You're the director of Stark
15 County --

16 A. Well, we scan everything.
17 Everything's scanned into the system.

18 Q. They weren't doing that in 2009,
19 right?

20 A. I -- in -- I don't know. I wasn't
21 there in 2009.

22 Q. In Cuyahoga in 2009 --

23 A. Oh, I was at Cuyahoga.

24 Q. -- you weren't scanning everything?

25 A. We scanned.

1 Q. Every --

2 A. Yes, we scanned.

3 Q. -- piece of paper?

4 A. We scanned the -- because the files
5 got scanned in Cuyahoga.

6 Q. And was there, like, optical
7 character recognition that converted
8 handwritten notes into --

9 A. Oh, yes, all of those things we
10 had.

11 Q. Okay.

12 A. We were very dynamic.

13 No, no, I don't -- I don't
14 know what --

15 Q. Sarcasm doesn't --

16 A. -- I don't know --

17 Q. -- come across on the record, so --

18 A. Yeah, I -- you know, I have no
19 idea. But all I know is that all the cases
20 were scanned. All new cases that came in were
21 scanned.

22 Q. Okay. Right. So I'm -- I'm
23 talking about populating actual fields in
24 SACWIS.

25 A. Right.

1 Q. Back in 2009, 2010, the sort of
2 information that we see in Tab 4 of Exhibit
3 12 --

4 A. I don't -- uh-huh.

5 Q. -- to your knowledge, as the
6 director of the division at that time, your
7 staff wasn't putting this sort of information
8 in SACWIS?

9 A. I don't believe so.

10 Q. And these fields may not have even
11 existed as options in SACWIS?

12 A. They may nay -- they may not have.
13 I don't know.

14 Q. Okay.

15 A. I don't know what I don't know.

16 Q. And the case files that exist,
17 regardless of what's been scanned into them and
18 how they exist, the -- the actual file that the
19 county maintains, separate and apart from
20 SACWIS, as you understand the rules, those have
21 to still exist now, correct?

22 A. They have to exist.

23 Q. Okay. If it was gener- -- opened
24 in '06 or '09 or '12 or '15, those case files
25 still exist and the counties have to keep them?

1 A. They have to keep them, yes.

2 Q. And as the director of a
3 governmental entity for Stark County, that
4 includes Children and Family Services,
5 currently, you're familiar with the general
6 parameters of data entry in SACWIS now,
7 correct?

8 A. General.

9 Q. And you're familiar with the
10 general requirements of record retention
11 relating --

12 A. Oh, absolutely.

13 Q. -- to case files?

14 A. Absolutely.

15 Q. It's a major issue --

16 A. It's -- yes.

17 Q. -- right?

18 And you're familiar with the
19 general continuing issues of data limitations
20 that make it hard to do retrospective analyses
21 about what did the data show years ago when you
22 may not have had as good of data entry
23 practices?

24 A. It's a problem.

25 Q. All right. I mean, that -- that's

1 kind of, like, a no-brainer thing, right?

2 A. Yep.

3 Q. Okay. So sitting here today, are
4 you aware of -- well, let me ask it this way.

5 In 2019 in Northeast Ohio, is there
6 still a problem of Children and Family Services
7 are burdened by substance abuse of members of
8 the community?

9 A. Yes.

10 Q. Okay. And have you seen things
11 where, like, some of the drugs that were at a
12 peak a couple of years ago have dropped and new
13 drugs and combinations of drugs have come up as
14 being more of a problem?

15 A. Well, I mean fentanyl is --
16 fentanyl with marijuana, you know, we see
17 combinations of things, we see all kind of
18 things now.

19 Q. And, like, meth has made a comeback
20 in the last couple of years?

21 A. Yeah.

22 Q. And cocaine has had a comeback,
23 right?

24 A. Right.

25 Q. Heroin's actually dropped for the

1 last couple of years?

2 A. Has it? I don't know that.

3 Q. Okay. But you've seen increases in
4 things like meth?

5 A. Yes.

6 Q. Have you seen things where, like,
7 people are now combining meth with wasp spray
8 or bug killers --

9 A. No, I haven't seen that.

10 Q. -- to do that?

11 A. No, I haven't -- I'm not aware of
12 that.

13 Q. But this dynamic that the drug of
14 abuse and the trends of drugs and abuse are
15 always changing, is that something that you've
16 seen over your career?

17 A. Yes.

18 Q. Okay. And at any given time, you
19 have roughly a third or more of the cases in
20 the system are going to involve substance abuse
21 of one sort or another, whether it's alcohol,
22 illegal drugs, prescription drugs, or homemade
23 drugs or combinations of drugs --

24 A. That's acc-

25 Q. -- is that --

1 A. That's accurate.

2 Q. Okay. And has there ever been a
3 time in your career where it was substantially
4 less than a third?

5 A. I don't know that. I --

6 Q. Has there ever been a time when it
7 was substantially more than a third?

8 A. I don't know that.

9 Q. Okay. So the drugs and the
10 substance may change, but the basic dynamic is
11 always in play?

12 A. People always have addiction
13 issues.

14 Q. And regardless of what they're
15 addicted to, that puts a burden on the system?

16 A. Yeah.

17 Q. Okay.

18 A. Especially if it kills them.

19 Q. Have you seen any data at all about
20 deaths related to overdose from prescription
21 opioids being taken legally?

22 A. I don't know.

23 Q. What about deaths from heroin or
24 fentanyl? Have you seen any data like that for
25 Northeast Ohio?

1 A. I haven't seen the Northeast Ohio
2 data recently.

3 Q. What about Cuyahoga County or any
4 other --

5 A. No.

6 Q. -- particular counties?

7 A. I don't keep up with Cuyahoga that
8 much.

9 Q. Okay. And for -- for Stark, and
10 I'm not trying to get into the specifics, are
11 you seeing people dying from overdose of
12 prescription opioids taken legally?

13 A. I don't -- I don't know where we
14 are with that. It's more heroin -- it's -- we
15 seem to have a heroin issue.

16 Q. Fentanyl and --

17 A. Fentanyl and --

18 Q. -- carfentanil?

19 A. Yeah.

20 Q. And -- and what's carfentanil, to
21 your knowledge?

22 A. I don't know what carfentanil is,
23 but I know what fentanyl is.

24 Q. Have you heard of something called
25 a fentanyl antol- -- analogue that may come

1 into the country illegally, typically
2 originally from China? Like, it was in the
3 news the other day that there was a seizure of
4 110 pounds' worth --

5 A. Wow.

6 Q. -- at a port in Philadelphia?

7 A. No, I didn't -- I didn't see that
8 in the news.

9 Q. Okay. Do you know how the fentanyl
10 analogues coming from China play into
11 deaths or --

12 A. I do not.

13 Q. -- issues in Northeast Ohio?

14 A. No, I do not.

15 Q. Okay. It wouldn't be fair to leap
16 to the conclusion that any death from fentanyl
17 or heroin started with a legal prescription of
18 a prescription opioid, would it?

19 A. I think there's a possibility
20 there. Personally I feel it's possible.

21 Q. Yeah, I'm saying each and every
22 one that would --

23 A. Oh, every one? Well, that would be
24 unreasonable, every one. But there certainly
25 are deaths.

1 Q. Okay. And do you know any of the
2 data about when people end up dying of heroin
3 or fentanyl or some combination of drugs
4 involving heroin or fentanyl or a fentanyl
5 analogue, like, what the actual data shows on
6 how those people are getting started with their
7 addiction?

8 A. Marijuana.

9 MR. ALEXANDER: All right. Thank
10 you very much.

11 THE WITNESS: Thank you.

12 MR. ALEXANDER: I don't have any
13 further questions.

14 Obviously, I'll say this for the
15 record, we think there are a number of
16 documents issues, but we will deal with those
17 through letter writing outside of the record
18 here, as we have done otherwise, and, you know,
19 obviously we make our reservations, on behalf
20 of AmerisourceBergen Drug Corporation, about
21 those.

22 With that I pass the witness to the
23 other Defendants and potentially the
24 Plaintiffs.

25 MS. FARMER: Nothing further from

1 me.

2 MR. LOVRIEN: Nothing further from
3 me.

4 MR. ALEXANDER: On the phone?
5 Guess not.

6 MR. McMONAGLE: I don't have any
7 questions.

8 MS. DEYNEKA: I may have some
9 followup, but I -- I want a second to review
10 the realtime real quick. Do you mind if we go
11 off the record for just a moment?

12 MR. ALEXANDER: I don't mind, as
13 long as you don't, like, break and talk to the
14 witness about the questions you're going to ask
15 her. That would be a problem.

16 MS. DEYNEKA: Sure. I don't mind
17 going off the record and staying here.

18 MR. ALEXANDER: All right.

19 THE VIDEOGRAPHER: Off the record,
20 2:47.

21 (A recess was taken.)

22 THE VIDEOGRAPHER: On the record
23 2:50.

24 EXAMINATION OF DEBORAH FORKAS.

25 BY MS. DEYNEKA:

1 Q. Ms. Forkas, this is Natalie Deyneka
2 from Motley Rice. I just have a few follow-up
3 questions for you.

4 A. Okay.

5 Q. So earlier you had a -- a comment
6 that you made about how drugs can certainly
7 impact the kinds of cases that you see,
8 especially if the drugs in question are killing
9 people. Do you recall saying something along
10 those lines?

11 A. Something like that.

12 Q. Before that particular line of
13 testimony, you had also been asked about the
14 ways in which you saw different kinds of drugs,
15 like methamphetamines and crack cocaine, affect
16 your cases and clients. Do you recall that as
17 well?

18 A. Somewhat.

19 Q. Would you draw any distinction
20 between the way that the opioid epidemic has
21 affected your line of work and the kinds of
22 drugs that you discussed previously?

23 MR. ALEXANDER: Objection to form.

24 Q. And, I'm sorry. Let me clarify my
25 question.

1 Would you draw any kind of
2 distinction between the way that the opioid
3 epidemic has affected the kind of work that you
4 do and the way that, say, methamphetamines or
5 crack cocaine affected the work in the past?

6 MR. ALEXANDER: Objection to form.

7 Q. Oh, you can go ahead and answer.

8 A. Okay. I -- I think it's -- you
9 know, it's very similar in many ways, when
10 people are abusing the drugs.

11 Q. Would you say that the impact on
12 the people involved is similar, or in the sense
13 that people have substance abuse problems?

14 A. In the sense of addictiveness and
15 being addicted to drugs.

16 Q. What did you mean earlier when you
17 said, "especially if it kills them"? What were
18 you referring to?

19 A. I was referring to the opioids, as
20 well as heroin and fentanyl.

21 Q. And that's something --

22 A. That's what I was --

23 Q. -- that you've seen specific to
24 opioids?

25 A. Yes.

1 Q. Okay. And that's had a significant
2 impact?

3 A. I believe so. It kills people.

4 Q. You also talked a little bit
5 earlier about the database SACWIS; is that
6 correct?

7 A. Yes.

8 Q. And you mentioned that you were not
9 a specialist on SACWIS?

10 A. I'm not.

11 Q. Do you feel confident enough in
12 SACWIS to be able to say what data fields were
13 available at what particular time?

14 A. To be honest with you, not really.
15 I mean, I --

16 Q. Okay. So you don't know either way
17 if --

18 A. I don't know one way or the other.

19 Q. -- something was or was not a field
20 in a particular year?

21 MR. ALEXANDER: Objection to form.

22 MS. DEYNEKA: I think those are all
23 the questions I have.

24 THE WITNESS: Okay.

25 EXAMINATION OF DEBORAH FORKAS

1 BY MR. ALEXANDER:

2 Q. A little bit of followup.

3 When you answered Plaintiffs'
4 counsel's questions about opioids and the
5 opioid epidemic --

6 A. Uh-huh.

7 Q. -- versus other drugs, were you
8 using the same definition at the beginning of
9 the deposition of what you considered to be an
10 opioid?

11 A. I don't know.

12 Q. I mean, at the beginning of the
13 deposition, you said --

14 A. I'm trying to remember what I said.

15 Q. You said you considered
16 methamphetamine and cocaine and PCP to be
17 opioids?

18 A. Yes.

19 Q. Is that how you were answering the
20 question?

21 A. Yes, but I expanded it.

22 Q. Okay.

23 A. Because I couldn't remember.

24 Q. So --

25 A. At the time some of the other

1 drugs.

2 Q. During the crack epidemic --

3 A. Uh-huh.

4 Q. -- people died, right?

5 A. Yeah, people died.

6 Q. During the meth epidemic people
7 died, right?

8 A. Yes.

9 Q. And you've seen people die with any
10 number of substance of abuse, including
11 alcohol, right? People die with alcohol abuse?

12 A. Well, sure.

13 Q. Have you ever seen anything
14 indicating that the deaths with heroin or
15 fentanyl, how those compare in terms of an
16 impact on Cuyahoga County Children and Family
17 Services compared to deaths with other
18 substance of abuse, including alcohol?

19 A. No, I've never seen data.

20 Q. You just know that --

21 A. That data.

22 Q. -- there are deaths with --

23 A. I -- I --

24 Q. -- all of those substances?

25 A. I know that there's deaths, but I

1 know that, you know, we -- we always say, you
2 know, her- -- heroin and fentanyl, I mean,
3 you're either going to get off it or it's going
4 to kill you. It's just one of two things
5 that's going to happen.

6 Q. And something similar used to be
7 said about that for crack, too, right?

8 A. Mmm -- I --

9 Q. Maybe a third option --

10 A. Maybe a third --

11 Q. -- send you to jail, right?

12 A. Well, maybe so.

13 MS. DEYNEKA: Can we make sure that
14 the record reflects that the witness shook head
15 in response to counsel's question just now.

16 MR. ALEXANDER: Yeah, the -- the
17 court reporter doesn't put down head shakes.

18 MS. DEYNEKA: Well, that's why I
19 wanted to make sure it was noted, since it was
20 a non-verbal response.

21 MR. ALEXANDER: But that's just you
22 saying it. That doesn't count as anything. So
23 I'm actually asking questions, and under the
24 rules here, you can't do anything but object to
25 form, so, fine. Let's go on, because we're

1 almost done.

2 Q. In addition to death, a parent or
3 somebody else involved in a children's [sic]
4 care going to jail can have a significant
5 impact, correct?

6 A. Yes.

7 Q. Somebody going to, like, an
8 inpatient -- inpatient residential treatment
9 center can have a significant impact, right?

10 A. Can.

11 Q. Death is not the only impact,
12 correct?

13 A. Well, it's not the only impact, but
14 it's certainly permanent when it happens.

15 Q. Now, in terms of the questions
16 about SACWIS, there's been a number of
17 questions throughout the day about what your
18 staff was doing or not doing when you were
19 director, correct?

20 A. Correct.

21 Q. And when you were assistant
22 director for Summit County before you became
23 director of -- for Cuyahoga County, you also
24 had people working under you who were involved
25 in data entry into SACWIS and the predecessor

1 system, correct?

2 A. Yes.

3 Q. And every time there was something
4 going out to the broader group that talked
5 about here's how we're going to change our data
6 entry practices or here's what we're going to
7 try to do in terms of a blitz or some
8 initial -- some increased effort, you would
9 send it or you would be copied on it, right?

10 A. When you're talking about -- the
11 blitz was PCSAO doing that --

12 Q. Yeah, and --

13 A. -- is that what you're talking
14 about? That blitz?

15 Q. It filtered through all of the
16 directors, didn't it?

17 A. The directors received it.

18 Q. Yeah. So in terms of these issues
19 about not necessarily the name of every field,
20 but the fact that there had been efforts at
21 time to increase the number of fields in
22 SACWIS, give more pull-down options for
23 diagnostic codes and things like that, you may
24 not be able to give the specific dates or the
25 names of each field, but you know that this has

1 been a trend over the last 10-plus years,
2 correct?

3 A. I think more recent than that.

4 Q. Okay. So over the last, let's say
5 five years, so post- your time as director of
6 Cuyahoga County, there have been fields added
7 to SACWIS --

8 A. Yes.

9 Q. -- and pull-down options added to
10 SACWIS --

11 A. That's --

12 Q. -- correct?

13 A. Yes, that's correct.

14 Q. And they largely relate to things
15 like substance abuse, diagnosis of substance
16 abuse, and other ways that basically tie to
17 what we were just going over in the fourth tab
18 for Exhibit 12, right?

19 A. Yes.

20 Q. Okay. So even though you're not
21 the one, because of the stage of your career,
22 typing into SACWIS for an individual case file,
23 you know that there are fields relating to
24 substance abuse and trying to provide
25 specificity about what substance is being

1 abused, that have only been added after you
2 stopped being director of Cuyahoga County
3 Children and Family Services, correct?

4 A. Yes.

5 Q. Okay. So the testimony you gave
6 earlier about what was being done when you were
7 director, you feel confident about that, don't
8 you?

9 A. As confident as one can be.

10 Q. And the --

11 A. I don't --

12 Q. -- question about when specifically
13 something was added after that time, you don't
14 necessarily know whether it was -- something
15 was added in '15 or '16 or which month, but you
16 know whatever it was, it wasn't being done when
17 you were director back in 2009 through early
18 2011, correct?

19 MS. DEYNEKA: Object to form.

20 A. I don't know that.

21 Q. Okay.

22 A. I don't really know that.

23 Q. Okay. The specificity about the
24 drug of abuse and the diagnostic code relating
25 to abuse and how it was detected at birth and

1 tox screens and all of this stuff that we see
2 in Tab 4 of Exhibit 12, you know that that
3 wasn't in SACWIS in a way that your staff was
4 using it consistently back when you were
5 director of Cuyahoga County, correct?

6 MS. DEYNEKA: Object to form.

7 A. I would say that it -- that what we
8 see now was not being used in the same format
9 that we see now.

10 Q. Okay. So the information that led
11 to the creation of Tab 4 in Exhibit 12, that
12 last thing after the blue sheet --

13 A. Yep, I know --

14 Q. -- that we went over, that
15 information, those pull-downs, those fields,
16 however that was -- that's being done now, that
17 was not being done back when you were director,
18 correct?

19 A. That wasn't not being done.

20 Q. That was not being done?

21 A. Correct.

22 Q. If I added an extra "not," I'm
23 sorry.

24 A. That's all right. That's correct.

25 Q. Okay. And when you answered

1 Plaintiffs' counsel's questions about how
2 confident you are and whether you know the
3 details, you're talking about exactly when,
4 after 2011, changes happened to SACWIS,
5 correct?

6 A. Changes happened, uh-huh.

7 Q. You just know that they happened
8 after 2011, right?

9 A. I know I wasn't there. That's how
10 I know. And I was -- I was in Virginia, so.

11 Q. And after you came back to Ohio and
12 you became director of --

13 A. Stark.

14 Q. -- Stark County of the entity that
15 covers this and other issues, you know that
16 they -- the data entry in SACWIS that goes on
17 now is much more detailed than it was back in
18 2009 and '11 --

19 A. Yes, that's true.

20 Q. -- particularly as it relates to
21 drugs and substance of abuse?

22 A. It's true. That is true.

23 MR. ALEXANDER: Okay. Thank you.

24 MS. DEYNEKA: One more follow-up
25 question.

1 EXAMINATION OF DEBORAH FORKAS

2 BY MS. DEYNEKA:

3 Q. Do you know if any data fields were
4 added prior to the time period that counsel has
5 just given you, the after-2011 time period?

6 A. After 2011, do I know that they
7 were --

8 Q. Let me rephrase. So you just said
9 that you know that there were some data fields
10 that were added after 2011?

11 A. Correct.

12 Q. Doesn't that mean that there were
13 still possibly data fields added before that as
14 well?

15 MR. ALEXANDER: Objection to form.

16 A. Could have been.

17 Q. And you don't know --

18 A. I don't --

19 Q. -- one way or the other --

20 A. I don't know one way or the other
21 that way.

22 Q. And do you remember exactly which
23 data fields were missing or added after 2011?

24 A. Not really.

25 Q. Do you remember which data fields

1 would have been added prior to 2011?

2 A. I don't know that --

3 MS. DEYNEKA: All right. That's
4 all I have.

5 A. -- specifically.

6 MR. ALEXANDER: Sorry to prolong
7 this a smidge more.

8 EXAMINATION OF DEBORAH FORKAS

9 BY MR. ALEXANDER:

10 Q. There was a time when SACWIS was
11 rolled out, right?

12 A. Many, many moons ago, yes.

13 Q. And so originally it had at least
14 one data field, right?

15 A. Virtually nothing.

16 Q. Yeah. So this thing about adding
17 it, by the time you got to be the director in
18 2000 -- I'm sorry, in 2009 for --

19 A. Nine.

20 Q. -- Cuyahoga County, there were more
21 data fields than at the very beginning,
22 correct? Of SACWIS?

23 A. Not orig- -- not initially. It
24 took a long time.

25 Q. By 2009, there were -- SACWIS had

1 more capabilities than at its initial launch,
2 correct?

3 A. Yes, that's true.

4 Q. Okay. Are you aware of any changes
5 that happened between 2009 and 2011 when you
6 left the position of director for Cuyahoga
7 County?

8 A. I was gone now. I don't -- don't
9 know what I don't know.

10 Q. Okay. But you know that there have
11 been a number of changes after that?

12 A. I am aware of that.

13 MR. ALEXANDER: Okay. Thank you.

14 MS. DEYNEKA: That's it.

15 MR. ALEXANDER: We're done, subject
16 to our prior reservations. I don't think
17 anybody else has further questions. I think
18 the witness is done.

19 THE WITNESS: I'm done. Thank you.

20 THE VIDEOGRAPHER: Off the record,
21 3:02.

22 (Deposition concluded at 3:02 p.m.)

23 ~ ~ ~ ~ ~

24

25

1 Whereupon, counsel was requested to give
2 instructions regarding the witness's review of
3 the transcript pursuant to the Civil Rules.

4

5 SIGNATURE:

6 Transcript review was requested pursuant to the
7 applicable Rules of Civil Procedure.

8

9 TRANSCRIPT DELIVERY:

10 Counsel was requested to give instructions
11 regarding delivery date of transcript.

12

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REPORTER'S CERTIFICATE

The State of Ohio,)

SS:

County of Cuyahoga.)

I, Stephen J. DeBacco, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, DEBORAH FORKAS, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.

1 I do further certify that I am not
2 a relative, counsel or attorney for either
3 party, or otherwise interested in the event of
4 this action.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand and affixed my seal of office at
7 Cleveland, Ohio, on this 28th day of
8 January, 2019.

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A handwritten signature in cursive script, reading "Stephen J. DeBacco". The signature is written in dark ink and is positioned above the printed name of the notary.

14

Stephen J. DeBacco, Notary Public
within and for the State of Ohio

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17 My commission expires September 30, 2022.

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Veritext Legal Solutions
1100 Superior Ave
Suite 1820
Cleveland, Ohio 44114
Phone: 216-523-1313

January 28, 2019

To: Mr. McMonagle

Case Name: In Re: National Prescription Opiate Litigation v.

Veritext Reference Number: 3202803

Witness: Deborah Forkas Deposition Date: 1/23/2019

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,
Production Department

NO NOTARY REQUIRED IN CA

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3202803
CASE NAME: In Re: National Prescription Opiate Litigation v.
DATE OF DEPOSITION: 1/23/2019
WITNESS' NAME: Deborah Forkas

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.
I have made no changes to the testimony
as transcribed by the court reporter.

Date Deborah Forkas
Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;
They signed the foregoing Sworn
Statement; and
Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3202803

CASE NAME: In Re: National Prescription Opiate Litigation v.

DATE OF DEPOSITION: 1/23/2019

WITNESS' NAME: Deborah Forkas

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

Date

Deborah Forkas

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;
They have listed all of their corrections in the appended Errata Sheet;
They signed the foregoing Sworn Statement; and
Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

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ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST
ASSIGNMENT NO: 1/23/2019

PAGE/LINE(S) /	CHANGE	/REASON
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Date Deborah Forkas
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
DAY OF _____, 20____.

Notary Public

Commission Expiration Date

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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